



1992

Illinois Register

Rules of Governmental Agencies

Volume 16, Issue 9 — February 28, 1992

Pages 2969-3230

Administrative Code Div.
288 Centennial Bldg.
Springfield, IL 62756
(217) 782-9786

published by
George H. Ryan
Secretary of State



Printed on recycled paper

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1992

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992	June 23, 1992	June 30, 1992	28	July 10, 1992
Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992	June 30, 1992	July 7, 1992	29	July 17, 1992
Dec. 31, 1991	Jan. 7, 1992	3	Jan. 17, 1992	July 7, 1992	July 14, 1992	30	July 24, 1992
Jan. 7, 1992	Jan. 14, 1992	4	Jan. 24, 1992	July 14, 1992	July 21, 1992	31	July 31, 1992
Jan. 14, 1992	Jan. 21, 1992	5	Jan. 31, 1992	July 21, 1992	July 28, 1992	32	Aug. 7, 1992
Jan. 21, 1992	Jan. 28, 1992	6	Feb. 7, 1992	July 28, 1992	Aug. 4, 1992	33	Aug. 14, 1992
Jan. 28, 1992	Feb. 4, 1992	7	Feb. 14, 1992	Aug. 4, 1992	Aug. 11, 1992	34	Aug. 21, 1992
Feb. 4, 1992	Feb. 11, 1992	8	Feb. 21, 1992	Aug. 11, 1992	Aug. 18, 1992	35	Aug. 28, 1992
Feb. 11, 1992	Feb. 18, 1992	9	Feb. 28, 1992	Aug. 18, 1992	Aug. 25, 1992	36	Sept. 4, 1992
Feb. 18, 1992	Feb. 25, 1992	10	Mar. 6, 1992	Aug. 25, 1992	Sept. 1, 1992	37	Sept. 11, 1992
Feb. 25, 1992	Mar. 3, 1992	11	Mar. 13, 1992	Sept. 1, 1992	Sept. 8, 1992	38	Sept. 18, 1992
Mar. 3, 1992	Mar. 10, 1992	12	Mar. 20, 1992	Sept. 8, 1992	Sept. 15, 1992	39	Sept. 25, 1992
Mar. 10, 1992	Mar. 17, 1992	13	Mar. 27, 1992	Sept. 15, 1992	Sept. 22, 1992	40	Oct. 2, 1992
Mar. 17, 1992	Mar. 24, 1992	14	Apr. 3, 1992	Sept. 22, 1992	Sept. 29, 1992	41	Oct. 9, 1992
Mar. 24, 1992	Mar. 31, 1992	15	Apr. 10, 1992	Sept. 29, 1992	Oct. 6, 1992	42	Oct. 16, 1992
Mar. 31, 1992	Apr. 7, 1992	16	Apr. 17, 1992	Oct. 6, 1992	Oct. 13, 1992	43	Oct. 23, 1992
Apr. 7, 1992	Apr. 14, 1992	17	Apr. 24, 1992	Oct. 13, 1992	Oct. 20, 1992	44	Oct. 30, 1992
Apr. 14, 1992	Apr. 21, 1992	18	May 1, 1992	Oct. 20, 1992	Oct. 27, 1992	45	Nov. 6, 1992
Apr. 21, 1992	Apr. 28, 1992	19	May 8, 1992	Oct. 27, 1992	Nov. 2, 1992 (Mon)	46	Nov. 13, 1992
Apr. 28, 1992	May 5, 1992	20	May 15, 1992	Nov. 2, 1992 (Mon)	Nov. 10, 1992	47	Nov. 20, 1992
May 5, 1992	May 12, 1992	21	May 22, 1992	Nov. 10, 1992	Nov. 17, 1992	48	Nov. 30, 1992 (Mon.)
May 12, 1992	May 19, 1992	22	May 29, 1992	Nov. 17, 1992	Nov. 24, 1992	49	Dec. 4, 1992
May 19, 1992	May 26, 1992	23	June 5, 1992	Nov. 24, 1992	Dec. 1, 1992	50	Dec. 11, 1992
May 26, 1992	June 2, 1992	24	June 12, 1992	Dec. 1, 1992	Dec. 8, 1992	51	Dec. 18, 1992
June 2, 1992	June 9, 1992	25	June 19, 1992	Dec. 8, 1992	Dec. 15, 1992	52	Dec. 28, 1992 (Mon)
June 9, 1992	June 16, 1992	26	June 26, 1992	Dec. 15, 1992	Dec. 22, 1992	1	Jan. 4, 1993 (Mon)
June 16, 1992	June 23, 1992	27	July 6, 1992 (Mon)	Dec. 22, 1992	Dec. 29, 1992	2	Jan. 8, 1993

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED RULES

- 1) Heading of Part: Seed Arbitration
- 2) Code Citation: 8 Ill. Adm. Code 235
- 3) Section Numbers: Proposed Action:
235.10 New Section
235.20 New Section
- 4) Statutory Authority: Seed Arbitration Act (P.A. 87-186, effective January 1, 1992, specifically Sections 15, 20 and 80)
- 5) A Complete Description of the Subjects and Issues Involved:
Public Act 87-186 established the Seed Arbitration Act. Section 15 of the Act creates a review committee consisting of the Director, President of the Illinois Seed Dealers' Association, and director of the Cooperative Extension Service or a designee for each person. Each respective organization shall appoint its member. The term of office and how new members may be appointed or vacancies filled are stated in the rules.
The review committee is to meet and review all complaints, to negotiate factors and make recommendations concerning settlement of a complaint, and to prepare and present to the purchaser and seller the recommended arbitration procedure and costs if agreement cannot be attained through the review process.
The complainant must pay a fee which is set by rule at \$200 to file a complaint. The funds for filing a complaint and for arbitration will be deposited into a non-appropriated trust account in a protected financial institution, and the Department of Agriculture will pay the costs associated with the review committee process and arbitration from that account.
- 6) Will this proposed rule replace an emergency rule in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.
- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:
A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to Judith Lozier, General Counsel, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.
The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 18, 1992
 - B) Types of small businesses affected: Seed dealers, cooperative extension service, and purchasers of seed.
 - C) Reporting, bookkeeping or other procedures required for compliance: The Seed Arbitration Act establishes a review committee to meet and review all complaints filed under the Act. The term of office for members of the review committee will expire December 31 each year. The member will be automatically renewed unless the member has submitted a resignation or the respective organization that appointed the member appoints another person to serve on the review committee. The organization must give the current member and the Director of Agriculture at least 30 days notice in writing of its intent not to reappoint its current member.
The complainant starts the arbitration procedure by filing a complaint in writing with the Director together with a \$200 filing fee.
 - D) Types of professional skills necessary for compliance: Basic management and recordkeeping.

The full text of the Proposed Rules begins on the next page.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER g: SEEDS

PART 235
SEED ARBITRATION

Section 235.10 Term of Office for Review Committee
235.20 Filing and File Fee of a Complaint

AUTHORITY: Implementing and authorized by the Seed Arbitration Act (P.A. 87-186, effective January 1, 1992).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 235.10 Term of Office for Review Committee

In accordance with Section 15 of the Seed Arbitration Act, the term of office for a review committee member shall terminate on December 31 of each year. Re-appointment of existing members to the review committee will be automatically made unless the Director and the member are notified at least 30 days before the term ends that the respective organization will appoint another person or a resignation is received from the member. Vacancies occurring on the review committee during an unexpired term shall be filled by the respective organization affected by the vacancy.

Section 235.20 Filing and File Fee of a Complaint

A complaint in writing along with a filing fee of \$200 shall be submitted to the Director before any review procedures commence. Filing fees are non-refundable.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: The Forest Products Transportation Act

2) CODE CITATION: 17 Ill. Adm. Code 1530

3) SECTION NUMBERS: PROPOSED ACTION:

1530.30 Amendments
1530.50 Amendments
1530.60 Amendments
1530.EX A New Section
1530.EX B New Section

4) STATUTORY AUTHORITY: Implementing and authorized by the Forest Products Transportation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 6901)

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Section 1530.50(d) has been added to the list of methods for showing "proof of ownership" for interstate haulers; in Section 1530.60, additional language is being added to clarify "proof of ownership" requirements; additional language changes have been made to further clarify the rulemaking.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 18, 1992
- B) Types of small businesses affected: Timber Buyers
- C) Reporting, bookkeeping or other procedures required for compliance: Timber buyers must complete a "Purchase Agreement for Purpose of Transportation" and a "Daily Hauling Log"
- D) Types of professional skills necessary for compliance: No professional skills are required.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER d: FORESTRY

PART 1530

THE FOREST PRODUCTS TRANSPORTATION ACT

Section	Definitions
1530.10	Intent of Forest Products Transportation Act
1530.20	Correspondence and Inquiries Regarding this Act
1530.30	Enforcement of Act
1530.40	Proof of Ownership
1530.50	Requirements and Format for "Proof of Ownership"
1530.60	Registrations
1530.70	Violations (Repealed)
1530.80	Effective Date (Repealed)
1530.90	Purchase Agreement for Purpose of Transportation

EXHIBIT A Purchase Agreement for Purpose of Transportation

EXHIBIT B Daily Hauling Log

AUTHORITY: Implementing and authorized by the Forest Products Transportation Act (Ill. Rev. Stat. ~~1999~~1991, ch. 96 1/2, par. 6901 et. seq.)

SOURCE: Adopted February 26, 1974, effective March 15, 1974; codified at 5 Ill. Reg. 10655; amended at 7 Ill. Reg. 8765, effective July 15, 1983; amended at 13 Ill. Reg. 17379, effective October 27, 1989; amended at 14 Ill. Reg. 18239, effective October 29, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 1530.30 Correspondence and Inquiries Regarding this Act

All correspondence and/or inquiries regarding this Act shall be directed to:

State of Illinois
Department of Conservation
Division of ~~Forestry~~ Forest Resources
600 N. Grand Ave. West
P.O. Box 19225
Springfield, Illinois 62702-62794-9225

Attention: Forest Products

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Section 1530.50 Proof of Ownership

- a) Any person hauling, conveying or transporting 2 or more "trees" or "forest products" or either of them (as defined herein), on any road or highway in this State may be required to show proof of ownership or that such hauling, conveying or transporting is with the consent of the owner of or party in interest with respect to such "trees" or "forest products".
- b) Complete "proof of ownership" shall be available for inspection at all times and shall be kept with the vehicle or other conveyance load.
- c) A timber grower registration may be used in lieu of "proof of ownership" by timber growers transporting their own products.
- d) Interstate haulers conveying forest products or trees whose origin was a state other than Illinois may show documents required by the Federal Commerce Commission as "proof of ownership".

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1530.60 Requirements and Format for "Proof of Ownership"

- a) The "proof of ownership" required under the Act and as set forth in this Part shall be complete and contain the following information:

- 1) Point of origin. Shall be a legal description of the location of the timber, woodland, log yard, etc., and shall include the county, township, range and section of origin, when located outside corporate limits. Within corporate limits a street address or other usable location should be given.
- 2) Point of destination.
- 3) Sellers (timber grower's) name, address, phone number and signature. "Seller's name" shall be the name of the timber grower, timber buyer or sawmill from which the timber was purchased. When timber is removed from a sawmill or concentration yard and transported to another location, said

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

businesses/areas shall be identified as the "seller".

- 4) Transporter's name, address and phone number if different from buyers.
- 5) Buyer's (that person who now owns the transported forest products, tree or trees, as defined in the Act) name, address, timber buyer's license number (when applicable), phone number and signature.
- 6) Date over-the-road hauling will occur. This date may be a period of time which is inclusive of the timber purchase contract dates.
- 7) Statement that the "forest products, tree or trees" have been purchased from the designated seller or are being transported with knowledge and consent of the buyer or that person in possession is an agent or employee of the buyer.
- 8) Date of purchase ~~(when agreement was made)~~. For all purposes except the payment of harvest fees, the date of purchase shall be the date the purchase agreement was made. Harvest fees shall be due within one month after the quarter in which payments are made.

2) Daily hauling log. For each load of "forest products or trees" hauled, the transporter shall record the date the load was hauled, the number of logs, and the destination. Each record entry shall be signed by the driver of the conveyance hauling said "forest products or trees".

- b) While a specific form is not required for providing the above required information, a suggested printed format (form U-102-73) may be requested from the Department, and may be imprinted on the letterhead used in the general conduct of business of any "person" in complying with the Act and this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

EXHIBIT A Purchase Agreement for Purpose of Transportation Date: _____, 19____

The undersigned seller: (Check one - if licensed buyer, must give license number)

Timber Grower _____ Sawmill _____ Concentration Yard _____

Timber Buyer _____ License No. _____ Phone: AC () _____

(Name) _____ (Address) _____

stipulates that the undersigned buyer _____

(Name) _____

License Number _____

(Address) _____

Phone: AC () _____ has purchased from the seller "forest products, tree or trees"

List Species: _____

Removal from the seller's control shall be on _____ (Date) _____, or between _____ (Date) _____ and _____ (Date) _____

If transportation is to be by conveyance other than the buyer's own means, the contracted transporter's name, address, phone number and status (employee, contract hauler, etc.) should be given here: _____

Point of origin (location of timber, woodland, log yard, etc.) by county, township, range and section number is: _____

Point of destination: _____

Date of purchase: _____

Signature of Seller _____

Signature of Buyer _____

Provide Daily Log of Loads Hauled on Reverse

(Source: Added at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

EXHIBIT B Daily Hauling Log

Date Hauled _____ Number of Logs _____ Destination _____ Driver's Signature _____

(Source: Added at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Timber Harvest Fees
- 2) CODE CITATION: 17 Ill. Adm. Code 1535
- 3) SECTION NUMBERS:
- PROPOSED ACTION:
- 1535.1 New Section
- 1535.5 Amendments
- 1535.50 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by the Timber Buyers Licensing Act (Ill. Rev. Stat. 1991, ch. 111, pars. 701 et seq.).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
Section 1535.1 is being added to outline the Timber Buyer's License application procedures; language is being added in Section 1535.5 to clarify the date of purchase; and in Section 1530.50, the address is being corrected.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 18, 1992
- B) Types of small businesses affected: Commercial timber buyers purchasing timber or logs from landowners.
- C) Reporting, bookkeeping or other procedures required for compliance: All timber buyers shall obtain a license from the Department. If timber has been purchased during the quarter, a form FPF-1 must be completed and provided to the Department.
- D) Types of professional skills necessary for compliance: No professional skills are required.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1535
TIMBER BUYER LICENSING AND HARVEST FEES

Sections

1535.1 Timber Buyer's License

- 1535.5 Records
1535.10 Payment of 4% Fee to Department
1535.20 Value Determination
1535.30 Volume Estimates
1535.40 Arbitration
1535.50 Information
1535.60 Penalty

AUTHORITY: Implementing and authorized by the Timber Buyers Licensing Act (Ill. Rev. Stat. 1989, ch. 111, pars. 701 et seq.).

SOURCE: Adopted and codified at 8 Ill. Reg. 4492, effective March 28, 1984; amended at 9 Ill. Reg. 2942, effective February 26, 1985; amended at 12 Ill. Reg. 16018, effective September 27, 1988; amended at 13 Ill. Reg. 19954, effective December 12, 1989; amended at 15 Ill. Reg. 5219, effective March 28, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 1535.1 Timber Buyer's License

- a) All timber buyers, as defined by Ill. Rev. Stat. 1991, ch. 111, par. 702, shall obtain a license from the Department before engaging in the business of timber buying. Application for such license shall be filed on forms provided by the Department and shall contain the following minimum information:

- 1) Name of applicant;
- 2) Principal officers if applicant is a corporation or the partners if applicant is a partnership;
- 3) Location of the principal office or place of business of the applicant;
- 4) The counties in which the applicant proposes to engage in the business of timber buyer;

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 5) The names and addresses of any persons authorized to purchase timber in the name of the licensed buyer;

- 6) Type and amount of bond; and

- 7) Any other information as required by the Department.

- b) Only persons listed with the Department as authorized buyers may represent the licensee. Said authorized buyers shall designate in all contractual arrangements that the licensee is the timber buyer. Failure to comply with this provision shall constitute "buying timber without a timber buyer's license".

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 1535.5 Records

The books, accounts, records and papers used in the conduct of a timber buyer's business, must contain, at a minimum, the following information regarding each timber purchase:

- a) date of purchase ~~(when agreement was made)~~. For all purposes, except the payment of harvest fees, the date of purchase shall be the date the purchase agreement was made. Harvest fees shall be due within one month after the quarter in which payments are made;

- b) date of payment(s);

- c) amount of payment(s);

- d) amount of harvest fee;

- e) date harvest fee sent to Illinois Department of Conservation; and

- f) name, address and telephone number of seller.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1535.50 Information

Anyone wishing additional information concerning this part, or a supply of Form FPF-1 may contact the Department of Conservation

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

at the following address:

Department of Conservation
Division of Forest Resources
& ~~Natural Heritage~~
600 North Grand Ave., West
P.O. Box 19255
Springfield, IL 62766-2794-9225

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: FEES FOR RADIOACTIVE MATERIAL LICENSES
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) Section Number:

331.110	<u>Proposed Action:</u>
331.120	Amendment
331.130	Amendment
331.200	Amendment
Appendix A, Tables A, B, & C	Repeal
Appendix B	Amendment
Appendix C	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (P. A. 87-637, effective January 1, 1992).
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to modify the Department's rules authorizing the collection of fees from persons who apply for or hold radioactive material licenses. Collection of such fees is authorized by the Radiation Protection Act of 1990, as amended by P.A. 87-687, and is necessary to cover, in part, the costs associated with the implementation of radiation safety programs by the Department to ensure the safety of Illinois citizens. This Part is being amended to specify how the Department will collect fees to cover expenses incurred by the Department in conjunction with monitoring unlicensed properties contaminated with byproduct material as defined in Section 4(a)(2) of the Radiation Protection Act of 1990 and Section 11e(2) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(e)(2) and overseeing decontamination of such properties. This change is authorized by recent amendments to the Radiation Protection Act of 1990.

In addition, the Department is proposing to modify the fee rules to reflect changes in references that are necessary as a result of amendments to 32 Ill. Adm. Code 310 and 330, and the adoption of 32 Ill. Adm. Code 335. This amendment will also change the fee for sealed source and device evaluations to "full cost" and will specify how the Department is to determine the full cost of such evaluations. This proposed amendment will specify when licensees should use the fees specified in the Appendix. Finally, the Department is proposing to repeal Appendix A, Schedule of License Fees, since that schedule has been replaced by the fee schedule in Appendix B.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Betsy Salus
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 785-9900 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 11, 1992
- B) Types of small businesses affected: The Department believes that these amendments may affect small businesses that are licensed by the Department to possess, use, distribute, store, treat, or dispose of radioactive materials. The proposed amendment will amend references to other Parts of Departmental regulations and require licensees to pay renewal fees based upon the date the license document expires, rather than the date the renewal is received in the Department.
- C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires only the payment of a fee incident to licensure and consequently does not require licensees to perform reporting, bookkeeping or other procedures for achieving compliance.

- D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTIONPART 331
FEES FOR RADIOACTIVE MATERIAL LICENSES

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Payment of Fees
331.120	Refunds
331.130	Full Cost of Review
331.200	Schedule of Fees for Radioactive Material Licenses (Repealed)
331.210	Failure By Applicant or Licensee To Pay Prescribed Fee
331.310	TABLE A: LICENSE FEES - JAN. 1, 1988 - DEC. 31, 1988 (Repealed)
331.320	TABLE B: LICENSE FEES - JAN. 1, 1989 - DEC. 31, 1989 (Repealed)
331.330	TABLE C: LICENSE FEES - JAN. 1, 1990 - DEC. 31, 1990 (Repealed)

331. APPENDIX B FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES
331. APPENDIX C FEE SCHEDULE FOR SEALED SOURCE AND DEVICE EVALUATIONS (Repealed)

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (P.A. 86-1341 87-637, effective September 7, 1990 January 1, 1992).

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 111. Reg. _____, effective _____.

Section 331.110 Exemptions

No fees as described in Section 331.120 shall be required for:

- a general license issued pursuant to 32 Ill. Adm. Code 330.210, 330.220(a), (b), (c), (d), (e), (f), (g), (h), or 330.900(a)(2) and (b)(2).
- a license for possession and use of radioactive material applied for by, or issued to, an agency of a state, county, or municipal government, or any political subdivision thereof, except for _____.

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This exemption does not apply to licenses for which the license fee is based on full cost. Licenses which authorize distribution of radioactive material, or licenses authorizing services to any person other than an agency or political subdivision of the state, county or municipal government.

- a license for possession and use of radioactive material applied for by, or issued to, an educational institution as defined in Section 331.30 where radioactive material specified in the license is used primarily for instructional purposes (i.e., teaching and training). This exemption does not apply to licenses that authorize human use or remunerated services to others.
- an application for amendment to amend a materials license for which the license fee is not based on full cost, that would not change the material use category or add additional permanent jobsites.
- a license authorizing the use of source material as shielding only in devices and containers, provided, however, that all other licensed material in the device or container will be subject to the fees prescribed in Appendix B of this Part.
- an application to change the status of a sealed source or device evaluation from "active" to "inactive". For purposes of this exemption, a sealed source or device evaluation is designated "active" if new sources or devices are being manufactured and/or distributed for use. An evaluation is designated "inactive" when such sources and devices are no longer manufactured for commercial distribution.

(Source: Amended at 111. Reg. _____, effective _____)

Section 331.120 Payment of Fees

Fees, as shown in the fee schedules of Appendices B and C of this Part, shall be assessed for applications for new licenses, amendments to add or change material use categories, amendments to increase the number of permanent jobsites, renewals of existing licenses, evaluations for new sealed sources and devices, and amendments to existing sealed source and device evaluations. In addition, for licenses requiring full cost review, fees as shown in Appendix B of this Part shall be assessed for all amendments, including minor amendments and amendments to terminate. The following criteria apply to the determination of these fees for licensing actions and for evaluations of sealed sources and devices shall be assessed and paid as follows:

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- a) License fees: For licenses that Appendix B specifies as being assessed a fixed cost license fee, fees shall be assessed for application for new licenses, amendments to add or change material use categories, amendments to increase the number of permanent jobsites, and renewals of existing licenses. Fixed cost license fees shall be assessed as follows:

- 1) Unless an application for a license or amendment is exempt under Section 331.110, or the license fee is to be based on full costs (see Appendix B), each application for which a fixed fee is prescribed in Appendix B of this Part shall be accompanied by a remittance in the full amount of the fee. No application will be processed prior to payment of the full amount specified.
- 2) For applications covering only one material use category, the prescribed fee shall be the fee for the appropriate category as specified in Appendix B. For licenses covering more than one material use category, the fee shall be 100% of the highest fee for a material use category for which a license is sought, plus 30% of the fee listed for each other material use category for which a license is sought.
- 3) Multiple use locations: For additional permanent jobsites where radioactive material is stored or used under the same license, the applicant must submit 20% of the applicable material use category fee for each additional site. The total additional fee submitted for multiple use locations shall not exceed 100% of the application fee for that material use category.
- 4) The license fees listed in Appendix B are assessed for the term of the license.

- 5) A licensee requesting renewal of a license shall pay the license fees specified in Appendix B that will be in effect upon the expiration date of the license. Applications for new licenses or amendments will be assessed fees specified in Appendix B based upon the date the application is received in the Department.

AGENCY NOTE: Although 32 Ill. Adm. Code 330.330 requires licensees to request renewal of a license not less than 30 days prior to the expiration of the existing license, renewal fees will be calculated based upon the fees in effect on the expiration date of the license.

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- b) Full cost reviews: For licenses that Appendix B specifies are to be assessed fees based on full cost of review, fees shall be assessed for all evaluations, inspections, amendments (including minor amendments and amendments to terminate a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at such properties. Fees based on full cost license reviews shall be paid as follows:
- 1) Effective January 1, 1991, for license categories based on full cost review, the licensee will be billed quarterly or when the Department has incurred \$25,000 in unpaid full cost expenses, as defined in Section 331.200(c), whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt of the bill.
 - 2) Effective January 1, 1991, when the first application, other than an application for a minor amendment, is received from a licensee for which Appendix B specifies that the review charges are based on full costs, the applicant shall submit the deposit prescribed in Appendix B of this Part. The licensee will be billed quarterly or when the Department has incurred \$25,000 in unpaid full cost expenses, as defined in Section 331.200, whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt of the bill.
 - 3) Applications for minor amendments to licenses subject to full cost reviews as specified in Appendix B, shall pay those fees identified as minor amendment fees at the time the amendment is filed with the Department.
- c) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Beginning on the effective date of this amendment, each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500.00. The applicant will be billed quarterly or when the Department has incurred \$500 in unpaid full cost expenses, as defined in Section 331.200, whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt of the bill.

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ed) Adding material use categories:

- 1) An application for amendment to a materials license that would add a material use category with a lower license fee must be accompanied by the total fee due for each new material use category as determined by the following formula:

$$F = 0.06 * N * L$$

where

- F = Total fee due.
N = Number of years remaining on the license (partial years count as one full year in this calculation).
L = License fee for the new material use category.

- 2) An application for amendment to a materials license that would add a material use category with a higher fee must be accompanied by the total fee due as determined by the following formula:

$$F = (0.2 * H * N) - (0.14 * L * N)$$

where

- F = Total fee due.
N = Number of years remaining on the license (partial years count as one full year in this calculation).
H = Higher fee required by new material use category.
L = Highest license fee for a material use category currently authorized by the license.

- ed) Adding multiple use locations: An application for amendment to a materials license that would increase the number of permanent jobsites must be accompanied by the Total fee due as determined by the following formula:

$$F = 0.04 * H * N * J$$

where

- F = Total fee due.

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- N = Number of years remaining on the license (partial years count as one full year in this calculation).
H = The highest material use category applicable to the intended use of material at the new permanent jobsite.
J = The number of permanent jobsites to be added. If there are 5 or more permanent jobsites, then J is equal to 5.

AGENCY NOTE: Although a licensee may have more than 5 permanent jobsites, the maximum additional fee for multiple permanent jobsites is the license fee for the highest material use category applicable at the permanent jobsite.

e) Sealed source and device evaluations:

- 1) Requests for a sealed source or device evaluation shall be accompanied by the appropriate fee as specified in Appendix C of this Part.
- 2) Requests to amend a sealed source or device evaluation must be accompanied by the appropriate fee as specified in Appendix C of this Part.

f) Reciprocity fees: Each application for reciprocal recognition of an out-of-state license under 32 Ill. Adm. Code 330.900(a)(1) or (b)(1) shall be accompanied by a remittance of 20% of the license fee for the applicable material use category indicated in Appendix B of this Part. However, such fee is not required if the applicant has paid to the Department a reciprocity fee for that license within 12 months prior to the date of commencement of the proposed activity and the proposed activity will not extend past 12 months from the receipt of the reciprocity fee the applicant has paid.

- g) Fee payments: Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 331.130 Refunds

The following rules will be followed by the Department when calculating refunds to licensees and applicants for materials licenses:

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- a) the time required by Departmental professional staff to conduct the review, including license file review, ~~related~~ travel expenses time, correspondence preparation, and supervisory and management review of specific actions, multiplied by the rate of \$75.00 per hour; and
- b) the time required by Departmental professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, ~~related~~ travel expenses time, correspondence preparation, and supervisory and management review of specific actions, multiplied by the rate specified in subsection (a) above; and
- c) for licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the Department's cost for overseeing decontamination activities at unlicensed properties contaminated with byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (a) above; and
- ed) the cost of standard lab equipment and supplies, special environmental monitoring equipment, and servicing of such equipment; and
- de) the contractual support service costs, if any, incurred by the Department in conjunction with the review, inspections, and confirmatory environmental monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department, and laboratory fees charged to the Department.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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- a) For licenses for which a fixed fee is prescribed in Appendix B, in the event that the Department terminates a license at the request of the licensee prior to the expiration date, the Department will issue a prorated refund of the license fees for each remaining full year for which the license fee was paid.
- b) For licenses for which a fixed fee is prescribed in Appendix B, in the event that the applicant withdraws, or the Department abandons or denies an application prior to issuance of the license document, ~~sealed source evaluation or device evaluation~~, the Department will issue a refund totalling 80% of the total fee submitted for that license action.
- c) For licenses for which the license fee is based on full cost review, and for applications for sealed source and device evaluations, in the event that the applicant withdraws, or abandons, or the Department denies an application prior to issuance of the evaluation sheet or initial license, the Department shall issue a refund totalling the deposit submitted for that application minus the full cost expenses incurred but not paid by the applicant. In the event the expenses incurred exceed the deposit, the applicant shall be billed for the unpaid balance of full cost expenses as defined in Section 331.200. Each bill will identify the application and the related costs. Payment is due within 45 days of receipt.
- d) For licenses for which the fee is based on full cost review, and for sealed source and device evaluations, upon termination of the license or issuance of a sealed source or device evaluation sheet, the Department shall issue a refund totalling the deposit submitted, minus any outstanding full cost expenses. In the event that expenses incurred exceed the deposit, the applicant shall be billed for the unpaid balance of full cost expenses as defined in Section 331.200. Each bill shall identify the applications and the related costs. Payment is due within 45 days of receipt.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 331.200 Full Cost of Review

Fees for licenses, amendments, terminations to terminate a license, and renewals, evaluations for new sealed sources and devices, and amendments to existing sealed source and device evaluations, which are to be based on the full cost of review, ~~as specified in Appendix B~~, will be calculated based on the following:

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authorizing the possession of byproduct waste material (tailings) from source material recovery operations:

Application.....	\$ 180
License.....	Full Cost
	+7,800
Renewal.....	Full Cost
	+7,800
Amendment.....	13,200
Amendment to terminate license.....	Full cost +
	full cost of 31
	inspection 31

F. Licenses for possession and use of source material for shielding, except as provided for in Section 321.110(d):

Application New License.....	\$ 274
Renewal.....	274
Amendment.....	72

G. All other source material licenses: (4)

Application New License.....	\$ 1,037
Renewal.....	964
Amendment.....	144

3. Byproduct material and/or NARM:

A. Licenses of broad scope for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for processing or manufacturing of items containing byproduct material and/or NARM for commercial distribution to licensees: ~~31~~

Application New License.....	\$ 8,554
Renewal.....	7,848
Amendment.....	144

B. Other licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for processing or manufacturing of items

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Section 331. APPENDIX A SCHEDULE OF LICENSE FEES (Repealed)

TABLE A: LICENSE FEES - JAN. 1, 1988 - DEC. 31, 1988 (Repealed)

Category of materials licenses and type of fee (1) Fee (2)

1. Special Nuclear Material:

J. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems:

Application New License.....	\$ 547
Renewal.....	389
Amendment.....	72

K. All other special nuclear material licenses: ~~31~~

Application New License.....	\$ 1,656
Renewal.....	1,656
Amendment.....	144

2. Source material:

G. Licenses for refining uranium mill concentrates to uranium hexafluoride:

Application.....	\$ 180
License.....	Full Cost
	+13,800
Renewal.....	Full Cost
	+13,800
Amendment.....	123,940
Amendment to terminate license.....	Full Cost +
	full cost of 31
	inspection 31

D. Licenses for possession and use of source material in ore buying stations, ion exchange facilities and the processing of ores containing source material for extraction of metals other than uranium or thorium, excluding licenses

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containing byproduct material and/or NARM for commercial distribution to licensees, ~~11~~

Application New license \$ 4,118
Renewal 4,118
Amendment 144

G. Licenses issued pursuant to 32 Ill. Adm. Code 330 authorizing the processing or manufacture and distribution of radio pharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material and/or NARM, ~~11~~

Application New license \$ 4,320
Renewal 4,320
Amendment 276

D. Licenses issued pursuant to 32 Ill. Adm. Code 330 authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material and/or NARM, ~~11~~

Application New license \$ 2,340
Renewal 2,340
Amendment 144

E. Licenses for possession and use of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is not removed from its shield (self shielded units):

Application New license \$ 835
Renewal 749
Amendment 144

F. Licenses for possession and use of less than 10,000 curies of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes:

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Application New license \$ 2,779
Renewal 2,448
Amendment 276

G. Licenses for possession and use of 10,000 curies or more of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes:

Application New license \$ 6,768
Renewal 4,795
Amendment 276

H. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM that require device review to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330 except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330, ~~11~~

Application New license \$ 1,606
Renewal 1,102
Amendment 144

I. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM or quantities of byproduct material and/or NARM that do not require device evaluation to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330 except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330, ~~11~~

Application New License \$ 922
Renewal 935
Amendment 72

J. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM that require sealed source and/or device review to persons generally licensed under 32 Ill. Adm. Code 330, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under 32 Ill. Adm. Code 330.

Application New License \$ 2,520
Renewal 1,800
Amendment 276

K. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM or quantities of byproduct material and/or NARM that do not require sealed source and/or device review to persons generally licensed under 32 Ill. Adm. Code 330 except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under 32 Ill. Adm. Code 330.

Application New License \$ 1,210
Renewal 1,123
Amendment 72

L. Licenses of broad scope for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for research and development that do not authorize commercial distribution.

Application New License \$ 2,736
Renewal 2,016
Amendment 144

M. Other licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for research and development that do not authorize commercial distribution.

Application New License \$ 1,908
Renewal 1,562
Amendment 144

N. Licenses that authorize services for other licensees, except for leak testing and waste disposal pickup services.

Application New License \$ 1,670
Renewal 1,670
Amendment 144

O. Licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for industrial radiography operations.

Application New License \$ 4,824
Renewal 4,824
Amendment 276

P. All other specific byproduct material and/or NARM licenses, except those in categories 4A through G.

Application New License \$ 1,591
Renewal 1,433
Amendment 72

4. Waste disposal.

A. Licenses specifically authorizing the receipt of waste byproduct material and/or NARM, source material, or special nuclear material from other persons for the purpose of commercial disposal by land burial by the licensee, or licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors, or licenses for

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treatment or disposal by incineration,
packaging of residues resulting from
incineration and transfer of packages to
another person authorized to receive or
dispose of waste material.

Application	.....	\$ 180
License	.....	Full cost + full cost of inspection (b)
Renewal	.....	Full cost + full cost of inspection (b)
Amendment	.....	Full cost

B. Licenses specifically authorizing the receipt of waste byproduct material and/or NARM, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

Application New License	.....	\$ 9,216
Renewal	.....	9,539
Amendment	.....	420

C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material and/or NARM, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

Application New License	.....	\$ 4,003
Renewal	.....	3,326
Amendment	.....	144

D. All other waste disposal licenses.

Application	\$ 180
License	Full cost + full cost of inspection (b)

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Renewal	Full cost + full cost of inspection (b)
Amendment	Full cost

5. Well logging.

A. Licenses specifically authorizing use of byproduct material and/or NARM, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.

Application New License	.....	\$ 1,908
Renewal	.....	1,908
Amendment	.....	204

B. Licenses specifically authorizing use of byproduct material and/or NARM for field flooding tracer studies.

Application	.....	\$ 180
License	.....	Full Cost +960
Renewal	.....	Full Cost +960
Amendment	.....	Full Cost

6. Nuclear laundries.

Licenses for commercial collection and laundry of items contaminated with byproduct material and/or NARM, source material, or special nuclear material.

Application New License	.....	\$ 2,268
Renewal	.....	2,268
Amendment	.....	204

7. Human use of byproduct and/or NARM, source, or special nuclear material.

A. Licenses issued pursuant to 32 Ill. Adm. Code 320 for human use of byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices.

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Application New license \$ 2,742
 Renewal 2,412
 Amendment 276

- B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to 32 Ill. Adm. Code 330 authorizing research and development, including human use of byproduct material and/or NARM, except licenses for byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 4,302
 Renewal 3,672
 Amendment 144

- C. Other licenses issued pursuant to 32 Ill. Adm. Code 330 for human use of byproduct material and/or NARM, source material, and/or special nuclear material, except licenses for byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 1,987
 Renewal 1,987
 Amendment 144

8. Civil defense:

Licenses for possession and use of byproduct material and/or NARM, source material, or special nuclear material for civil defense activities:

Application New license \$ 749
 Renewal 662
 Amendment 72

12. General licenses as specified in 32 Ill. Adm. Code 330.220 (b) and (i):

Application New license \$ 300
 Renewal 300
 Amendment 30

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13. Reciprocal recognition of licenses as specified in 32 Ill. Adm. Code 330.900(a)(1) and 330.900(b)(1) 20% of application new license fee of applicable categories.

14. Additional permanent sites where radioactive material is stored or used under same license 20% of applicable fee (excluding amendment fee) not to exceed an additional 100%.

AGENCY NOTES

- (1) Types of fees—Separate charges as shown in the schedule will be assessed for applications for new licenses, issuance of new licenses, amendments, amendments to terminate a license and renewals to existing licenses. The following guidelines apply to these charges:

- (a) Application fees—Applications for materials licenses must be accompanied by the prescribed application fee. For licenses covering only one category, the prescribed fee shall be the fee for the appropriate category identified in Appendix A. For licenses covering more than one fee category, the fee shall be 100% of the fee listed for the highest fee category for which a license is sought, plus 30% of the fee listed for each other category for which a license is sought.

The application fees listed in Appendix A are based on a 5-year license term. In those situations where a license is issued for less than 5 years, a prorated portion of the application fee will be refunded by the Department to the licensee.

- (b) License fees—For new licenses issued in fee categories 2C, 2D, 4A, 4D, and 5B, the recipient shall pay the license fee for each category as determined by the Department in accordance with Section 331.120(b) and (c), except that a license covering more than one fee category of source material in fee categories 2C and 2D must pay a license fee for the highest fee category assigned to the licensee.

- (c) Renewal fees—Applications for renewal of materials licenses must be accompanied by the prescribed renewal fee, except that

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applications for renewals of licenses covering more than one fee category must be accompanied by the prescribed renewal fee for the highest fee category for which a license renewal is sought, and 30% of the renewal fee for each of the other fee categories for which license renewal is sought. Applications for renewal of licenses in fee categories 2C, 2D, 4A, 4D, and 5B must be accompanied by an application fee of \$180 for each fee category, and the additional renewal fee for each category shall be due upon notification by the Department in accordance with the procedures specified in Section 331.120(d).

The renewal fees listed in Appendix A are based on a 5-year renewal term. In those situations where a license is renewed for less than 5 years, a prorated portion of the renewal fee will be refunded by the Department to the licensee.

(d) ~~Amendment fees~~ Applications for amendments must be accompanied by the prescribed amendment fee for each category unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply, except that applications for amendment of licenses in fee categories 2C, 2D, 4A, 4D, and 5B must be accompanied by an application fee of \$180 with the balance due upon notification by the Department in accordance with Section 331.120(e). An application for amendment to a materials license that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for the new category, except for an application for amendment to increase the scope of a licensed program in fee categories 2C and 2D, in which case the licensee shall pay the application fee of \$180, and the license fee for the higher fee category shall be due upon completion of the licensing review. An application for amendment to a license that would reduce the scope of a licensee's program to a lower fee category must be accompanied by the prescribed amendment fee for the lower fee category, except in fee categories 2C and 2D, in which case the licensee shall pay an application fee of \$180, and the license fee for the lower fee category shall be due upon completion of the licensing review. Applications to terminate licenses authorizing small materials programs, when no dismantling or decontamination procedure is required, shall not be subject to fees.

(2) ~~Fees will not be charged for orders issued by the Department nor for amendments resulting from such Department orders.~~

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(2) ~~Full costs of inspection for amendment to terminate license (not to be charged for more than one full inspection per year). The fees assessed will be determined based upon:~~

- (a) ~~the professional staff time required to conduct the inspection multiplied by the rate shown in Section 331.200; and~~
- (b) ~~any appropriate contractual support service costs.~~

(4) ~~If the license is to include authorization to distribute devices, products, or sealed sources, in addition to the fee stated above, the license fee submitted shall also include the applicable fee described below:~~

- (a) ~~Safety evaluation of devices or products containing byproduct material and/or NARM, source material, or special nuclear material, for commercial distribution:~~

~~Application each device \$ 2,304~~
~~Amendment each device 696~~

- (b) ~~Safety evaluation of devices or products containing byproduct material and/or NARM, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant:~~

~~Application each device \$ 1,152~~
~~Amendment each device 348~~

- (c) ~~Safety evaluation of sealed sources containing byproduct material and/or NARM, source material, or special nuclear material for commercial distribution:~~

~~Application each source \$ 504~~
~~Amendment each source 144~~

- (d) ~~Safety evaluation of sealed sources containing byproduct material and/or NARM, source material, or special nuclear material, manufactured in accordance with the unique specification of, and for use by, a single applicant:~~

~~Application each source \$ 252~~
~~Amendment each source 72~~

(5) ~~Full costs of inspection (not to be charged for more than one full inspection per year). The fees assessed will be determined based upon:~~

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- (a) ~~the professional staff time required to conduct the inspection multiplied by the rate shown in Section 331.200, and~~
- (b) ~~any extraordinary contractual support expenses incurred by the Department in conjunction with the inspection, such as rental of specialized equipment, acquisition of additional professional expertise not available within the Department, and laboratory fees charged to the Department.~~

(Source: Repealed at Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTSection 331. TABLE B: LICENSE FEES - JAN. 1, 1989 - DEC. 31, 1989 (Repealed)
Category of materials licenses and type of fee (1) Fee (2)1. ~~Special Nuclear Material:~~

- J. ~~Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems:~~

Application New License	\$ 656
Renewal	467
Amendment	96

K. ~~All other special nuclear material licenses:~~

Application New License	1,987
Renewal	1,987
Amendment	173

2. ~~Source Material:~~

- G. ~~Licenses for refining uranium mill concentrates to uranium hexafluoride:~~

Application	\$ 216
License	Full Cost
	+16,560
Renewal	Full Cost
	+16,560
Amendment	148,608
Amendment to terminate license	Full Cost + Full cost of inspection

- D. ~~Licenses for possession and use of source material in ore buying stations, ion exchange facilities and the processing of ores containing source material for extraction of metals other than uranium or thorium, excluding licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations:~~

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Application.....	\$ 216
License.....	Full Cost
	+ 9,360
Renewal.....	Full Cost
	+ 9,360
Amendment.....	15,840
Amendment to terminate license.....	Full Cost + full cost of inspection (17)

F. Licenses for possession and use of source material for shielding, except as provided for in Section 331.110(d):

Application New license.....	\$ 329
Renewal.....	329
Amendment.....	86

G. All other source material licenses: ~~(4)~~

Application New License.....	\$ 1,244
Renewal.....	1,037
Amendment.....	173

3. Byproduct material and/or NARM:

A. Licenses of broad scope for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for processing or manufacturing of items containing byproduct material and/or NARM for commercial distribution to licensees: ~~(17)~~

Application New license.....	\$ 10,265
Renewal.....	9,418
Amendment.....	173

B. Other licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for processing or manufacturing of items containing byproduct material and/or NARM for commercial distribution to licensees: ~~(17)~~

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Application New license.....	\$ 4,942
Renewal.....	4,942
Amendment.....	173

C. Licenses issued pursuant to 32 Ill. Adm. Code 330 authorizing the processing or manufacture and distribution of radio pharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material and/or NARM: ~~(17)~~

Application New license.....	\$ 5,184
Renewal.....	5,184
Amendment.....	331

D. Licenses issued pursuant to 32 Ill. Adm. Code 330 authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material and/or NARM: ~~(17)~~

Application New license.....	\$ 2,808
Renewal.....	2,808
Amendment.....	173

E. Licenses for possession and use of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units):

Application New license.....	\$ 1,002
Renewal.....	999
Amendment.....	173

F. Licenses for possession and use of less than 10,000 curies of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes:

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Application New license \$ 3,335
Renewal 2,938
Amendment 331

6. Licenses for possession and use of 10,000 curies or more of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes.

Application New license \$ 9,122
Renewal 5,754
Amendment 331

- H. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM that require device review to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330 except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330.

Application New license \$ 1,927
Renewal 1,322
Amendment 173

- I. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM or quantities of byproduct material and/or NARM that do not require device evaluation to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330 except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330.

Application New license \$ 1,106
Renewal 1,002
Amendment 96

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- J. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM that require sealed source and/or device review to persons generally licensed under 32 Ill. Adm. Code 330 except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under 32 Ill. Adm. Code 330.

Application New license \$ 3,024
Renewal 2,160
Amendment 331

- K. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM or quantities of byproduct material and/or NARM that do not require sealed source and/or device review to persons generally licensed under 32 Ill. Adm. Code 330 except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under 32 Ill. Adm. Code 330.

Application New license \$ 1,452
Renewal 1,348
Amendment 96

- L. Licenses of broad scope for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for research and development that do not authorize commercial distribution.

Application New license \$ 3,293
Renewal 2,419
Amendment 173

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M. ~~Other licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 320 for research and development that do not authorize commercial distribution.~~

Application New license	\$ 2,290
Renewal	1,874
Amendment	173

N. ~~Licenses that authorize services for other licensees, except for leak testing and waste disposal pickup services.~~

Application New license	\$ 2,004
Renewal	2,004
Amendment	173

O. ~~Licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 320 for industrial radiography operations.~~

Application New license	\$ 5,789
Renewal	5,789
Amendment	331

P. ~~All other specific byproduct material and/or NARM licenses, except those in categories 4A through 8.~~

Application New license	\$ 1,909
Renewal	1,720
Amendment	86

4. ~~Waste disposal.~~

A. ~~Licenses specifically authorizing the receipt of waste byproduct material and/or NARM, source material, or special nuclear material from other persons for the purpose of commercial disposal by land burial by the licensee, or licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors, or licenses for treatment or disposal by~~

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~~incineration, packaging of residues resulting from incineration and transfer of packages to another person authorized to receive or dispose of waste material.~~

Application	\$ 216
License	full cost + inspection 15
Renewal	full cost + inspection 15
Amendment	full cost

B. ~~Licenses specifically authorizing the receipt of waste byproduct material and/or NARM, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.~~

Application New License	\$ 11,059
Renewal	10,247
Amendment	504

C. ~~Licenses specifically authorizing the receipt of prepackaged waste byproduct material and/or NARM, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.~~

Application New License	\$ 4,804
Renewal	3,991
Amendment	173

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Application New license \$ 2,722
Renewal 2,722
Amendment 245

7. Human use of byproduct and/or NARM, source, or special nuclear material:

A. Licenses issued pursuant to 32 Ill. Adm. Code 330 for human use of byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 2,292
Renewal 2,894
Amendment 331

B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to 32 Ill. Adm. Code 330 authorizing research and development, including human use of byproduct material and/or NARM, except licenses for byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 5,270
Renewal 4,406
Amendment 173

C. Other licenses issued pursuant to 32 Ill. Adm. Code 330 for human use of byproduct material and/or NARM, source material, and/or special nuclear material, except licenses for byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 2,384
Renewal 2,384
Amendment 173

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D. All other waste disposal licenses:

Application \$ 216
License Full cost +
inspection ¹⁵¹
Renewal Full cost +
inspection ¹⁵¹
Amendment Full cost

5. Well logging:

A. Licenses specifically authorizing use of byproduct material and/or NARM, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies:

Application New license \$ 2,290
Renewal 2,290
Amendment 245

B. Licenses specifically authorizing use of byproduct material and/or NARM for field flooding tracer studies:

Application \$ 216
License Full cost +
1,152
Renewal Full cost +
1,152
Amendment Full cost

6. Nuclear laundries:

Licenses for commercial collection and laundry of items contaminated with byproduct material and/or NARM, source material, or special nuclear material:

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8. Civil defense:

licenses for possession and use of byproduct material and/or NARM, source material, or special nuclear material for civil defense activities:

Application New license	\$ 899
Renewal	794
Amendment	86

12. General licenses as specified in 32 Ill. Adm. Code 230.220 (h) and (i):

Application New license	\$ 360
Renewal	360
Amendment	36

13. Reciprocal recognition of licenses as specified in 32 Ill. Adm. Code 330.900(a)(1) and 330.900(b)(1):

20% of application new-
license fee of applicable
categories.

14. Additional permanent sites where radioactive material is stored or used under same license

20% of applicable fee-
(excluding amendment fee)
not to exceed an
additional 100%.

AGENCY NOTES

(1) Types of fees—Separate charges as shown in the schedule will be assessed for applications for new licenses, issuance of new licenses, amendments, amendments to terminate a license and renewals to existing licenses. The following guidelines apply to these charges:

(a) Application fees—Applications for materials licenses must be accompanied by the prescribed application fee. For licenses covering only one category, the prescribed fee shall be the fee for the appropriate category identified in Appendix A. For licenses covering more than one fee category, the fee shall be 100% of the fee listed for the highest fee category for which a license is sought, plus 30% of the fee listed for each other category for which a license is sought.

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The application fees listed in Appendix A are based on a 5 year license term. In those situations where a license is issued for less than 5 years, a prorated portion of the application fee will be refunded by the Department to the licensee.

(b) License fees—For new licenses issued in fee categories 2C, 2D, 4A, 4D, and 5B, the recipient shall pay the license fee for each category as determined by the Department in accordance with Section 331.120(b) and (c), except that a license covering more than one fee category of source material in fee categories 2C and 2D must pay a license fee for the highest fee category assigned to the licensee.

(c) Renewal fees—Applications for renewal of materials licenses must be accompanied by the prescribed renewal fee, except that applications for renewals of licenses covering more than one fee category must be accompanied by the prescribed renewal fee for the highest fee category for which a license renewal is sought, and 30% of the renewal fee for each of the other fee categories for which license renewal is sought. Applications for renewal of licenses in fee categories 2C, 2D, 4A, 4D, and 5B must be accompanied by an application fee of \$216 for each fee category, and the additional renewal fee for each category shall be due upon notification by the Department in accordance with the procedures specified in Section 331.120(d).

The renewal fees listed in Appendix A are based on a 5 year renewal term. In those situations where a license is renewed for less than 5 years, a prorated portion of the renewal fee will be refunded by the Department to the licensee.

(d) Amendment fees—Applications for amendments must be accompanied by the prescribed amendment fee for each category unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply, except that applications for amendment of licenses in fee categories 2C, 2D, 4A, 4D, and 5B must be accompanied by an application fee of \$216 with the balance due upon notification by the Department in accordance with Section 331.120(c). An application for amendment to a materials license that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for the new category, except for an application for amendment to increase the scope of a licensed program in fee categories 2C and 2D, in which case the licensee shall pay the application fee of \$216, and the license fee for the higher fee category shall be due upon comple-

tion of the licensing review. An application for amendment to a license that would reduce the scope of a licensee's program to a lower fee category must be accompanied by the prescribed amendment fee for the lower fee category, except in fee categories 2C and 2D, in which case the licensee shall pay an application fee of \$216, and the license fee for the lower fee category shall be due upon completion of the licensing review. Applications to terminate licenses authorizing small materials programs, when no dismantling or decontamination procedure is required, shall not be subject to fees.

- (2) Fees will not be charged for orders issued by the Department nor for amendments resulting from such Department orders.
- (3) Full costs of inspection for amendment to terminate license (not to be charged for more than one full inspection per year). The fees assessed will be determined based upon:
 - (a) the professional staff time required to conduct the inspection multiplied by the rate shown in Section 331.200; and
 - (b) any appropriate contractual support service costs.

- (4) If the license is to include authorization to distribute devices, products, or sealed sources, in addition to the fee stated above, the license fee submitted shall also include the applicable fee described below:
 - (a) Safety evaluation of devices or products containing byproduct material and/or NARM, source material, or special nuclear material, for commercial distribution.

Application each device \$ 2,765
Amendment each device 835

- (b) Safety evaluation of devices or products containing byproduct material and/or NARM, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant.

Application each device \$ 1,382
Amendment each device 418

- (c) Safety evaluation of sealed sources containing byproduct material and/or NARM, source material, or special nuclear material for commercial distribution.

Application each source \$ 605
Amendment each source 173

- (d) Safety evaluation of sealed sources containing byproduct material and/or NARM, source material, or special nuclear material, manufactured in accordance with the unique specification of, and for use by, a single applicant.

Application each source \$ 302
Amendment each source 86

- (5) Full costs of inspection (not to be charged for more than one full inspection per year). The fees assessed will be determined based upon:
 - (a) the professional staff time required to conduct the inspection multiplied by the rate shown in Section 331.200; and
 - (b) any extraordinary contractual support expenses incurred by the Department in conjunction with the inspection, such as rental of specialized equipment, acquisition of additional professional expertise not available within the Department, and laboratory fees charged to the Department.

(Source: Repealed at Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTSection 331. TABLE C: LICENSE FEES - JAN. 1, 1990 - DEC. 31, 1990 (Repealed)
Category of materials, licenses and type of fee ~~(1)~~ Fee ~~(2)~~

1. Special Nuclear Material:

- J. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems:

Application New License	\$ 797
Renewal	560
Amendment	103

- K. All other special nuclear material licenses:
- ~~(1)~~

Application New License	2,384
Renewal	2,384
Amendment	208

2. Source Material:

- G. Licenses for refining uranium mill concentrates to uranium hexafluoride:

Application	\$ 259
License	Full Cost + 19,872
Renewal	Full Cost + 19,872
Amendment	178,330
Amendment to terminate license	Full Cost + full cost of inspection (2)

- D. Licenses for possession and use of source material in ore buying stations, ion exchange facilities and the processing of ores containing source material for extraction of metals other than uranium or thorium, excluding licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations:

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Application	\$ 259
License	Full Cost + 11,232
Renewal	Full Cost + 11,232
Amendment	19,008
Amendment to terminate license	Full cost + full cost of inspection (2)

- F. Licenses for possession and use of source material for shielding, except as provided for in Section 331.110(d):

Application New License	\$ 395
Renewal	395
Amendment	103

- G. All other source material licenses:
- ~~(1)~~

Application New License	\$ 1,493
Renewal	1,244
Amendment	208

3. Byproduct material and/or NARM:

- A. Licenses of broad scope for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for processing or manufacturing of items containing byproduct material and/or NARM for commercial distribution to licensees:
- ~~(1)~~

Application New License	\$ 12,318
Renewal	11,302
Amendment	208

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B. Other licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for processing or manufacturing of items containing byproduct material and/or NARM for commercial distribution to licensees: ~~117~~

Application New license	\$ 5,930
Renewal	5,930
Amendment	208

C. Licenses issued pursuant to 32 Ill. Adm. Code 330 authorizing the processing or manufacture and distribution of radio-pharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material and/or NARM: ~~117~~

Application New license	\$ 6,221
Renewal	6,221
Amendment	397

D. Licenses issued pursuant to 32 Ill. Adm. Code 330 authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material and/or NARM: ~~117~~

Application New license	\$ 3,370
Renewal	3,370
Amendment	208

E. Licenses for possession and use of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units):

Application New license	\$ 1,202
Renewal	1,079
Amendment	208

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F. Licenses for possession and use of less than 10,000 curies of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes:

Application New license	\$ 4,002
Renewal	3,526
Amendment	397

G. Licenses for possession and use of 10,000 curies or more of byproduct material and/or NARM in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes:

Application New license	\$ 9,746
Renewal	6,905
Amendment	397

H. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM that require device review to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330 except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330: ~~117~~

Application New license	\$ 2,312
Renewal	1,586
Amendment	208

I. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM or quantities of byproduct material and/or NARM that do not require device evaluation to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330 except for specific licenses authorizing redistribution of items that have been authorized for

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distribution to persons exempt from the licensing requirements of 32 Ill. Adm. Code 330+ ~~(47)~~

Application New license	\$ 1,327
Renewal	1,202
Amendment	103

J. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM that require sealed source and/or device review to persons generally licensed under 32 Ill. Adm. Code 330, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under 32 Ill. Adm. Code 330+ ~~(47)~~

Application New license	\$ 3,629
Renewal	2,592
Amendment	397

K. Licenses issued pursuant to 32 Ill. Adm. Code 330 to distribute items containing byproduct material and/or NARM or quantities of byproduct material and/or NARM that do not require sealed source and/or device review to persons generally licensed under 32 Ill. Adm. Code 330 except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under 32 Ill. Adm. Code 330+ ~~(47)~~

Application New license	\$ 1,742
Renewal	1,618
Amendment	103

L. Licenses of broad scope for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for research and development that do not authorize commercial distribution:

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Application New license	\$ 3,940
Renewal	2,903
Amendment	208

M. Other licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for research and development that do not authorize commercial distribution:

Application New license	\$ 2,748
Renewal	2,249
Amendment	208

N. Licenses that authorize services for other licensees, except for leak testing and waste disposal pickup services:

Application New license	\$ 2,405
Renewal	2,405
Amendment	208

O. Licenses for possession and use of byproduct material and/or NARM issued pursuant to 32 Ill. Adm. Code 330 for industrial radiography operations:

Application New license	\$ 6,947
Renewal	6,947
Amendment	397

P. All other specific byproduct material and/or NARM licenses, except those in categories 4A through 8: ~~(47)~~

Application New license	\$ 2,291
Renewal	2,064
Amendment	103

4. Waste disposal:

A. Licenses specifically authorizing the receipt of waste byproduct material and/or NARM, source material, or special nuclear material from other persons for the purpose of commercial

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disposal by land burial by the licensee, or licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors, or licenses for treatment or disposal by incineration, packaging of residues resulting from incineration and transfer of packages to another person authorized to receive or dispose of waste material.

Application	\$ 259
License	Full cost + full cost
Renewal	of inspection (5)
Amendment	Full cost + full cost
	of inspection (5)
	Full cost

B. Licenses specifically authorizing the receipt of waste byproduct material and/or NARM, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

Application New License	\$ 12,271
Renewal	12,296
Amendment	605

C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material and/or NARM, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

Application New License	\$ 5,764
Renewal	4,789
Amendment	207

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D. All other waste disposal licenses.

Application	\$ 259
License	Full cost + full cost
Renewal	of inspection (5)
Amendment	Full cost + full cost
	of inspection (5)
	Full cost

5. Well logging.

A. Licenses specifically authorizing use of byproduct material and/or NARM, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.

Application New License	\$ 2,748
Renewal	2,748
Amendment	294

B. Licenses specifically authorizing use of byproduct material and/or NARM for field flooding tracer studies.

Application	\$ 259
License	Full Cost
Renewal	+1,382
Amendment	Full Cost
	+1,382
	Full Cost

6. Nuclear laundries.

Licenses for commercial collection and laundry of items contaminated with byproduct material and/or NARM, source material, or special nuclear material.

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Application New license \$ 3,266
Renewal 3,266
Amendment 294

7. Human use of byproduct and/or NARM, source, or special nuclear material:

A. Licenses issued pursuant to 32 Ill. Adm. Code 330 for human use of byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 3,960
Renewal 3,473
Amendment 397

B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to 32 Ill. Adm. Code 330 authorizing research and development, including human use of byproduct material and/or NARM, except licenses for byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 6,324
Renewal 5,297
Amendment 298

C. Other licenses issued pursuant to 32 Ill. Adm. Code 330 for human use of byproduct material and/or NARM, source material, and/or special nuclear material, except licenses for byproduct material and/or NARM, source material, or special nuclear material in sealed sources contained in teletherapy devices:

Application New license \$ 2,961
Renewal 2,861
Amendment 298

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8. Civil defense:

Licenses for possession and use of byproduct material and/or NARM, source material, or special nuclear material for civil defense activities:

Application New license \$ 1,079
Renewal 953
Amendment 103

12. General licenses as specified in 32 Ill. Adm. Code 330.220 (h) and (i):

Application New license \$ 432
Renewal 432
Amendment 43

13. Reciprocal recognition of licenses as specified in 32 Ill. Adm. Code 330.900 (a)(1) and 330.900(b)(1):

20% of application fee of applicable categories.

14. Additional permanent sites where radio active material is stored or used under same license

20% of applicable fee (excluding amendment fee) not to exceed an additional 100%.

AGENCY NOTES

(1) Types of fees—Separate charges as shown in the schedule will be assessed for applications for new licenses, issuance of new licenses, amendments, amendments to terminate a license and renewals to existing licenses. The following guidelines apply to these charges:

(a) Application fees—Applications for materials licenses must be accompanied by the prescribed application fee. For licenses covering only one category, the prescribed fee shall be the fee for the appropriate category identified in Appendix A. For licenses covering more than one fee category, the fee shall be 100% of the fee listed for the highest fee category for which a

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license is sought, plus 30% of the fee listed for each other category for which a license is sought.

The application fees listed in Appendix A are based on a 5 year license term. In those situations where a license is issued for less than 5 years, a prorated portion of the application fee will be refunded by the Department to the licensee.

- (b) ~~License fees~~ For new licenses issued in fee categories 2C, 2D, 4A, 4D, and 5B, the recipient shall pay the license fee for each category as determined by the Department in accordance with Section 331.120(b) and (c), except that a license covering more than one fee category of source material in fee categories 2C and 2D must pay a license fee for the highest fee category assigned to the licensee.

- (c) ~~Renewal fees~~ Applications for renewal of materials licenses must be accompanied by the prescribed renewal fee, except that applications for renewals of licenses covering more than one fee category must be accompanied by the prescribed renewal fee for the highest fee category for which a license renewal is sought, and 30% of the renewal fee for each of the other fee categories for which license renewal is sought. Applications for renewal of licenses in fee categories 2C, 2D, 4A, 4D, and 5B must be accompanied by an application fee of \$259 for each fee category, and the additional renewal fee for each category shall be due upon notification by the Department in accordance with the procedures specified in Section 331.120(d).

The renewal fees listed in Appendix A are based on a 5 year renewal term. In those situations where a license is renewed for less than 5 years, a prorated portion of the renewal fee will be refunded by the Department to the licensee.

- (d) ~~Amendment fees~~ Applications for amendments must be accompanied by the prescribed amendment fee for each category unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply, except that applications for amendment of licenses in fee categories 2C, 2D, 4A, 4D, and 5B must be accompanied by an application fee of \$259 with the balance due upon notification by the Department in accordance with Section 331.120(c). An application for amendment to a materials license that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for the new category, except for an application for amendment to increase the

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scope of a licensed program in fee categories 2C and 2D, in which case the licensee shall pay the application fee of \$259, and the license fee for the higher fee category shall be due upon completion of the licensing review. An application for amendment to a license that would reduce the scope of a licensee's program to a lower fee category must be accompanied by the prescribed amendment fee for the lower fee category, except in fee categories 2C and 2D, in which case the licensee shall pay an application fee of \$259, and the license fee for the lower fee category shall be due upon completion of the licensing review. Applications to terminate licenses authorizing small materials programs, when no dismantling or decontamination procedure is required, shall not be subject to fees.

- (2) ~~Fees will not be charged for orders issued by the Department nor for amendments resulting from such Department orders.~~
- (3) ~~Full costs of inspection for amendment to terminate license (not to be charged for more than one full inspection per year). The fees assessed will be determined based upon:~~
- (a) ~~the professional staff time required to conduct the inspection multiplied by the rate shown in Section 331.200, and~~
 - (b) ~~any appropriate contractual support service costs.~~
- (4) ~~If the license is to include authorization to distribute devices, products, or sealed sources, in addition to the fee stated above, the license fee submitted shall also include the applicable fee described below:~~
- (a) ~~Safety evaluation of devices or products containing byproduct material and/or NARM, source material, or special nuclear material, for commercial distribution.~~

Application each device	\$ 3,318
Amendment each device	1,002
 - (b) ~~Safety evaluation of devices or products containing byproduct material and/or NARM, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant.~~

Application each device	\$ 1,658
Amendment each device	500

(c) ~~Safety evaluation of sealed sources containing byproduct material and/or NARM, source material, or special nuclear material for commercial distribution~~

Application each source \$ 726
Amendment each source 298

(d) ~~Safety evaluation of sealed sources containing byproduct material and/or NARM, source material, or special nuclear material, manufactured in accordance with the unique specification of, and for use by, a single applicant~~

Application each source \$ 362
Amendment each source 103

(5) ~~Full costs of inspection (not to be charged for more than one full inspection per year). The fees assessed will be determined based upon:~~

(a) ~~the professional staff time required to conduct the inspection multiplied by the rate shown in Section 331.200; and~~

(b) ~~any extraordinary contractual support expenses incurred by the Department in conjunction with the inspection, such as rental of specialized equipment, acquisition of additional professional expertise not available within the Department, and laboratory fees charged to the Department.~~

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 331.APPENDIX B FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES
MATERIAL USE CATEGORIES FEE PAYABLE:

Jan.1-Dec.31, 1991 Jan.1-Dec.31, 1992 Jan.1, 1993 and after

101

Radioactive Material (as defined in 32 Ill. Adm. Code 310.20)

A. Type A Broad Scope Manufacturing and Distribution - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30:

\$19,529

\$16,274

\$13,562

License Fee:

B. Other Manufacturing and Distribution - licenses for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30:

\$10,498

\$ 8,748

\$ 7,290

License Fee:

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Jan.1-Dec.31, 1991

Jan.1-Dec.31, 1992

Jan.1, 1993 and after

C. Distribution - licenses authorizing distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material:

License Fee:

\$ 2,488

\$ 2,986

\$ 3,583

D. Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a Category I irradiator:

License Fee:

\$ 1,295

\$ 1,554

\$ 1,865

E. Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies of radioactive material as sealed sources in a Category II, Category III or Category IV irradiator:

License Fee:

\$ 4,231

\$ 5,077

\$ 6,093

F. Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies or more of radioactive material as sealed sources in a Category II, Category III, or Category IV irradiator:

License Fee:

\$ 8,286

\$ 9,943

\$11,932

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FEE PAYABLE:

Jan.1-Dec.31, 1991

Jan.1-Dec.31, 1992

Jan.1, 1993 and after

G. Type A Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution:

License Fee:

\$ 3,484

\$ 4,181

\$ 5,017

H. Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution:

License Fee:

\$ 2,699

\$ 3,239

\$ 3,886

I. Service - licenses that authorize services for other licensees, including, but not limited to, leak testing and instrument calibration, but not including waste disposal transportation or radioactive waste broker services:

License Fee:

\$ 3,629

\$ 4,355

\$ 5,226

J. Gas Chromatographs and X-Ray Fluorescence Analyzers - licenses for possession and use of radioactive material in sealed sources or detector cells for use in gas chromatographs and x-ray fluorescence analyzers:

License Fee:

\$ 1,000

\$ 1,200

\$ 1,440

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FEE PAYABLE:

Jan.1-Dec.31, 1991

Jan.1-Dec.31, 1992

Jan.1, 1993 and after

K. Other - all other specific radioactive material licenses not specified elsewhere in this fee schedule, including, but not limited to, licenses for possession and use of radioactive material in sealed sources for use in fixed and portable gauges:

License Fee: \$ 2,477

\$ 2,972

\$ 3,567

102

Wireline Service Operations (as defined in 32 Ill. Adm. Code 351)

A. Wireline Service Operations - licenses specifically authorizing use of radioactive material for wireline services, well surveys, and tracer studies other than field flooding tracer studies:

License Fee: \$ 3,298

\$ 3,958

\$ 4,749

B. Field Flood Studies - licenses specifically authorizing use of radioactive material for wireline services, well surveys, tracer studies, or field flood tracer studies:

License Fee: \$ 6,596

\$ 7,915

\$ 9,498

MATERIAL USE CATEGORIES

FEE PAYABLE:

Jan.1-Dec.31, 1991

Jan.1-Dec.31, 1992

Jan.1, 1993 and after

Industrial Radiography (as defined in 32 Ill. Adm. Code 350)

Industrial Radiography at Permanent and Temporary Jobsites - licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites:

License Fee: \$ 8,336

\$10,003

\$12,004

104

Human use of radioactive material

A. Type A Broad Scope Medical and Teletherapy - licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing human use of radioactive material, including research and development, including use of radioactive material in sealed sources contained in teletherapy devices for human use of radioactive material and for the irradiation of other items:

License Fee:

\$ 6,344

\$ 7,613

\$ 9,135

B. Teletherapy - licenses for possession and use of radioactive material as sealed sources contained in teletherapy devices for medical use of radioactive material and for the irradiation of other items:

License Fee:

\$ 4,168

\$ 5,002

\$ 6,002

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MATERIAL USE CATEGORIES

MATERIAL USE CATEGORIES

FEE PAYABLE:

FEE PAYABLE:

Jan.1-Dec.31, 1991 Jan.1-Dec.31, 1992 Jan.1, 1993 and after

Jan.1-Dec.31, 1991 Jan.1-Dec.31, 1992 Jan.1, 1993 and after

C. Medical Use - licenses for human use of radioactive material, except licenses for radioactive material in sealed sources contained in teletherapy devices and Type A specific license of broad scope:

Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20)

License Fee:

\$ 3,433

\$ 4,120

\$ 4,944

D. Diagnostic Medical Use - Licenses restricted to only the diagnostic human use of radioactive material listed in 32 Ill. Adm. Code 330, Appendix C, Groups I, II and III; sealed sources for diagnosis 335 SUBPART D: Uptake, Dilution and Excretion; SUBPART E: Imaging and Localization; SUBPART G: Sealed Sources for Diagnosis; and in vitro kits, except as specified in 32 Ill. Adm. Code 330.220(4f):

License Fee:

\$ 2,477

\$ 2,972

\$ 3,567

E. Limited Medical Use - licenses restricted to only the human use of radioactive material specified in 32 Ill. Adm. Code 330.220(4) 335 SUBPART D:

License Fee:

\$ 622

\$ 746

\$ 895

105

General licenses

General licenses (as specified in 32 Ill. Adm. Code 330.220(1))

License Fee:

\$ 518

\$ 622

\$ 746

A. Possession and Use of Source and Byproduct Material - licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode:

License/Amendment Fee:

\$ 25,000 Deposit + Full Cost

\$ 25,000 Deposit + Full Cost

\$ 25,000 Deposit + Full Cost

Minor Amendment Fee:

\$ 250

\$ 300

\$ 360

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FEE PAYABLE:

Jan.1-Dec.31, 1991 Jan.1-Dec.31, 1992 Jan.1, 1993 and after

B. Possession and use of source material
- licenses for possession and use of source material which require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material. This does not include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 101A and B:

License/Amendment Fee: \$25,000 Deposit + Full Cost

\$ 250

Minor Amendment Fee:

107

Radioactive Material Waste Disposal

A. Low-Level Radioactive Waste Disposal Facilities - licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation:

License/Amendment Fee: \$25,000 Deposit + Full Cost

Minor Amendment Fee:

\$ 250 \$ 300 \$ 360

\$25,000 Deposit + Full Cost

\$25,000 Deposit + Full Cost

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FEE PAYABLE:

Jan.1-Dec.31, 1991 Jan.1-Dec.31, 1992 Jan.1, 1993 and after

B. Radioactive Waste Treatment Facilities - licenses specifically authorizing the receipt of radioactive waste material from other persons for treatment and transfer to a person authorized to receive or dispose of the material:

License Fee:

\$15,925

\$19,110

\$22,932

C. Radioactive Waste Broker - licenses specifically authorizing the receipt of pre-packaged radioactive waste material from other persons. The licensee will dispose of the material by transfer to a person authorized to receive or dispose of the material:

License Fee:

\$ 6,917

\$ 8,300

\$ 9,960

D. Other Radioactive Waste - licenses for other waste disposal methodologies (e.g., 32 Ill. Adm. Code 340.3020 authorizations):

License/Amendment Fee:

\$25,000 Deposit + Full Cost

\$25,000 Deposit + Full Cost

\$25,000 Deposit + Full Cost

Minor Amendment Fee:

\$ 250

\$ 300

\$ 360

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FEE PAYABLE:

Jan. 1-Dec. 31, 1991 Jan. 1-Dec. 31, 1992 Jan. 1, 1993 and after

108

Nuclear Laundries - licenses for commercial collection and laundry laundering of items contaminated with radioactive material:

License Fee:

\$ 5,683 \$ 6,820 \$ 8,183

109

Decontamination Facilities - licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items:

License Fee:

\$ 6,820 \$ 8,183 \$ 9,820

AGENCY NOTE: The Department anticipates that at some point after January 1, 1993, it will be necessary to increase fees and revise the fee schedule accordingly. However, until such revision is promulgated by rulemaking, the fees in effect on January 1, 1993, will remain in effect.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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Section 331 APPENDIX C FEE SCHEDULE FOR SEALED SOURCE AND DEVICE EVALUATIONS
(Repealed)

REVIEW CATEGORIES

EVALUATION FEE PAYABLE:

Jan. 1-Dec. 31, 1991 Jan. 1-Dec. 31, 1992 Jan. 1, 1993 and after

200

Device Evaluation - safety evaluation of devices or products containing radioactive material for commercial distribution or evaluation of devices or products containing radioactive material manufactured in accordance with the unique specifications of, and for use by, one person licensed by the Department:

Evaluation Fee: \$ 4,000 \$ 4,800 \$ 5,760

Amendment Fee: \$ 2,000 \$ 2,400 \$ 2,880

201

Sealed Source Evaluation - safety evaluation of sealed sources containing radioactive material for commercial distribution or safety evaluation of sealed sources containing radioactive material manufactured in accordance with the unique specifications of, and for use by, one person licensed by the Department:

Evaluation Fee: \$ 1,000 \$ 1,200 \$ 1,440

Amendment Fee: \$ 500 \$ 600 \$ 720

(Source: Repealed at ___ Ill. Reg. ___, effective _____)

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1) The Heading of the Part: MEDICAL PAYMENT

Section Numbers Proposed Action Illinois Register Citation

2) Code Citation: 89 Ill. Adm. Code 140

140.440 Amendment August 30, 1991
(15 Ill. Reg. 12171)

3) Section Number: Proposed Action:

140.441 Amendment August 30, 1991
(15 Ill. Reg. 12171)

140.543 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

140.442 Amendment August 30, 1991
(15 Ill. Reg. 12171)

5) A Complete Description of the Subjects and Issues Involved: Section 140.543, which addresses cost reports, is now being revised to provide instructions for the preparation of cost reports by sets of small scale facilities. This revision allows sets of facilities to file a combined cost report for each facility in the set, but specifies that the section of the cost report pertaining to fixed asset cost and depreciation must be prepared separately for each facility in the set.

140.449 Amendment August 30, 1991
(15 Ill. Reg. 12171)140.469 Amendment September 20, 1991
(15 Ill. Reg. 13685)140.512 Amendment September 13, 1991
(15 Ill. Reg. 13274)140.513 Amendment September 13, 1991
(15 Ill. Reg. 13274)

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

140.514 Amendment August 16, 1991
(15 Ill. Reg. 11555)7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐140.526 Repealed January 10, 1992
(16 Ill. Reg. 472)

8) Does this Proposed Amendment contain incorporations by reference? No

140.527 Repealed January 10, 1992
(16 Ill. Reg. 472)

9) Are there any other Proposed Amendments pending on this Part? Yes

140.528 Repealed January 10, 1992
(16 Ill. Reg. 472)

Section Numbers Proposed Action Illinois Register Citation

140.11 Amendment May 10, 1991
(15 Ill. Reg. 6949)140.27 Amendment January 3, 1992
(16 Ill. Reg. 65)140.94 Amendment November 8, 1991
(15 Ill. Reg. 15933)140.95 Amendment November 8, 1991
(15 Ill. Reg. 15933)140.529 Repealed January 10, 1992
(16 Ill. Reg. 472)140.530 Amendment November 8, 1991
(15 Ill. Reg. 15933)140.538 Amendment November 8, 1991
(15 Ill. Reg. 15933)140.539 Amendment January 10, 1992
(16 Ill. Reg. 472)140.552 Amendment November 8, 1991
(15 Ill. Reg. 15933)

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Section Numbers	Proposed Action	Illinois Register Citation
140.560	Amendment	April 19, 1991 (15 Ill. Reg. 5585)
140.561	Amendment	May 17, 1991 (15 Ill. Reg. 7482)
140.562	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.565	Amendment	January 24, 1992 (16 Ill. Reg. 1492)
140.569	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.583	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.600	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.602	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.604	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.608	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.610	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.612	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.614	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.835	Repealed	November 8, 1991 (15 Ill. Reg. 15933)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 13, 1992
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

- Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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- Section
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims
140.20 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21 Magnetic Tape Billings
140.22 Payment of Claims
140.23 Payment Procedures
140.24 Overpayment or Underpayment of Claims
140.25 Payment to Factors Prohibited
140.26 Assignment of Vendor Payments
140.27 Record Requirements for Medical Providers
140.28 Audits
140.30 False Reporting and Other Fraudulent Activities
140.35 Prior Approval for Medical Services or Items
140.40 Prior Approval in Cases of Emergency
140.41 Limitation on Prior Approval
140.42 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.43 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

- Section
140.94 Hospital Services
140.95 Participation
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)

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Section 140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section 140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

Section 140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation Requirements (Emergency Expired)
140.462	Covered Services in Clinics (Emergency Expired)
140.463	Encounter Rate Clinic Payment (Emergency Expired)
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics

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Section	
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichesk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
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140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; emergency amendment at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983;

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amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg.

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7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 10 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 11 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg.

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17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279,

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effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. ___, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART E: GROUP CARE

Section 140.543 Time Standards for Filing Cost Reports

- a) Except as provided in subsections (b) and (c) below, the cost report must be filed within 90 days of the end of the fiscal year of long term care (ICF/SNF) and residential (ICF/MR) facilities and developmental training (DT) agencies. One extension up to 30 days shall be granted for circumstances which will not allow a cost report to be properly completed before the due date of the report. The written request for an extension must be submitted to the Department of Public Aid (DPA) Office of Health Finance prior to the original due date. All requests shall be judged based upon the individual circumstances to determine the length of the extension.

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NOTICE OF PROPOSED AMENDMENT

Section 140.543 Time Standards for Filing Cost Reports (Cont'd)

- b) Change of Ownership - The new owner or lessee must file a cost report 9 months after acquisition (covering the first 6 months of operation). A change of ownership is dated from the closing of the sale or from the date of the oldest lease agreement between the present incumbents of a lease. The facility must also file a cost report within 90 days of the close of its first complete fiscal year.

- 1) A change of corporate stock ownership does not constitute a change in ownership.
- 2) The Department will not recognize any subsequent transaction by the lessee as a new acquisition for purposes of capital reimbursement. Capital costs are allowed only when a facility is constructed, sold or leased for the first time. The Department will recognize the one lease as a new acquisition.
- c) New Facility - A long term care or residential facility which is licensed for the first time must file a projection of capital costs before any warrants will be released to the facility. A full cost report must be filed within 9 months after opening the facility (covering at least the first 6 months of operation). The facility must also file a cost report within 90 days of the close of its first complete fiscal year.

- d) Sets of small scale residential facilities licensed as ICF/DP-4 or ICF/DP-6, as defined in Section 140.561(b), will file a combined cost report for each facility in the set. The section of the cost report pertaining to fixed asset cost and depreciation must be prepared separately for each licensed facility. The fixed asset section of the cost report must be completed with data combined for each licensed facility in the set.

(Source: Amended at 16 Ill. Reg. ___, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Permit Application Fees

2) Code Citation:

77 Ill. Adm. Code 1190

3) Section Numbers:Proposed Action:

1190.30

Amendments

4) Statutory Authority:

Illinois Health Facilities Planning Act

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1151 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Elimination of application fee ceiling in the Certificate of Need process.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes ☐ No ☒7) Does this Rulemaking contain an Automatic Repeat Date? Yes ☐ No ☒

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐9) Are there any other Proposed Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

Section NumbersProposed ActionIll. Reg. Citation10) Statement of Statewide Policy Objectives:

To reduce the rate of increase in healthcare costs by preventing the unnecessary duplication of healthcare services and capital expenditures. This change will not impact local government.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

A public hearing will be held on the proposed rules at 1:30 p.m. on March 4, 1992 at the Executive House Hotel, 75 East Wacker, Chicago, Illinois.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Healthcare

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

N/A

D) Types of Professional Skills Necessary for Compliance:

N/A

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1190
PERMIT APPLICATION FEES

Section	Statutory Authority and Public Hearings
1190.10	Initial Fee Deposit
1190.20	Fee Payment
1190.25	Assessment of Fees
1190.30	Total Estimated Cost of the Project
1190.40	Fees Related to Modification of an Application or Alteration of a Permit
1190.50	Obligation Requirements and Cost Overrun
1190.60	Permit Renewal or Extension
1190.70	Applications for Exemptions
1190.80	

AUTHORITY: Implementing and authorized by Section 12(8) of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1162(8)).

SOURCE: Filed June 21, 1976; amended at 5 Ill. Reg. 4999, effective April 22, 1981; amended at 6 Ill. Reg. 11634, effective September 9, 1982; amended at 7 Ill. Reg. 6969, effective May 13, 1983; codified at 8 Ill. Reg. 12458; amended at 12 Ill. Reg. 10514, effective June 7, 1988; amended at 14 Ill. Reg. 5550, Effective May 1, 1990; amended at 16 Ill. Reg. _____, effective _____.

AGENCY NOTE: "The Illinois Department of Public Health does not discriminate on the basis of handicap in admission or access to, or treatment or employment in its programs and activities in compliance with Section 504 of the Rehabilitation Act of 1973, as amended. The Equal Employment Opportunity Officer is responsible for coordination of compliance efforts Voice (217) 785-2034; TDD (217) 785-2088."

Section 1190.30 Assessment of Fees

a) All projects, except those not subject to a fee pursuant to Section 1190.30(b), are required to submit a fee for an application for permit. Fees shall be assessed in the following manner. For each project having a total estimated cost (calculated as per Section 1190.40) of:

- 1) Less than \$250,000, then the application fee shall be \$700;
- 2) \$250,000 or more to ~~\$10,000,000 inclusive~~, then the application fee shall be \$200 plus 0.2 of one (1) percent of the total estimated cost of the project (Total

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES

NOTICE OF PROPOSED AMENDMENTS

Estimated Cost of the Project X: .002 + \$200 = Amount of Application Fee). The range of fees shall therefore be from a \$700 minimum on a \$250,000 (or less) project up to a maximum of \$20,200 on a \$10,000,000 project;

- 3) \$10,000,000 to \$30,000,000 inclusive, then the application fee shall be \$30,200;
- 4) More than \$30,000,000, then the application fee shall be \$25,200.

b) Projects classified as emergency; any projects submitted by any department, board, agency or other entity of the State of Illinois for construction or modification of its health care facilities; and/or those projects for partial or total "discontinuation" of a facility or "Category of Service" where there is no project cost, shall not be charged a fee.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

- 1) Heading of the Part: NON-HOMEMAKER SERVICE PROVIDER REQUIREMENTS
- 2) Code Citation: 89 Ill. Adm. Code 714
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
714.30	Amendments
714.100	Amendments
714.110	Amendments
714.120	Amendments
714.130	Amendments
714.300	New Section
714.310	Amendments
- 4) Statutory Authority: Implementing and authorized by Section 3(g) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g))
- 5) A Complete Description of the Subjects and Issues involved: 714.30 - Clarifies and expands the minimum requirements of Emergency Home Response Services which may be provided to HSP clients.
714.100 - states DORS incorporates Department of Aging's (DOA's) rules as they apply to the staffing of Adult Day Care (ADC) centers.
714.110 - states DORS incorporates DOA's rules on ADC standards and enumerates further standards for ADC centers which will be approved to provide services to DORS clients.
714.120 - updates citations to referenced DOA rules.
714.130 - clarifies and expands the information as it relates to the annual compliance review performed by DORS on ADC providers.
714.300 - this new section lists the standards an individual must be to be a Personal Assistant (PA) for a client of HSP.
714.310 - revises information pertaining to the PA Agreement which must be signed by a PA and client prior to the initiation of PA services through HSP.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes X No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No
- | | | |
|---|--|-----------------------------------|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 10) <u>Statement of Statewide Policy Objectives (if applicable):</u> | <u>Not Applicable</u> | |
| 11) <u>Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:</u> | <u>Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:</u> | |
- Ms. Susan Warner, Acting Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.
- The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER d: HOME SERVICES PROGRAM

PART 714

NON-HOMEMAKER SERVICE PROVIDER REQUIREMENTS

SUBPART A: ELECTRONIC HOME RESPONSE SERVICES

PROVIDER REQUIREMENTS

Section
714.10 Minimum Performance Standards
714.20 Electronic Home Response Center (EHRC) Equipment Specifications (Central Station Receiving Equipment)
714.30 Electronic Home Response Service (EHRS) Home Unit Specifications
714.40 Compliance Requirements

SUBPART B: DAY CARE SERVICE PROVIDER REQUIREMENTS

Section
714.100 Staffing of Adult Day Care Service Component
714.110 Standard Requirements for Adult Day Care Providers
714.120 Adult Day Care Staff Positions, Qualifications and Responsibilities
714.130 Annual Compliance Review

SUBPART C: PERSONAL ASSISTANT REQUIREMENTS

Section
714.300 Personal Assistant (PA) Standards
714.310 Personal Assistant (PA) Agreement
714.320 Annual Compliance Monitoring

AUTHORITY: Implementing and authorized by Section 3(g) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g))

SOURCE: Adopted at 11 Ill. Reg. 7413, effective April 7, 1987; amended at 13 Ill. Reg. 8911, effective May 26, 1989; amended at 13 Ill. Reg. 15091, effective September 8, 1989; amended at 14 Ill. Reg. 3652, effective February 21, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 714.30 Electronic Home Response Service (EHRS) Home Unit Specifications

a) General Description:

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Home units are attached to an individual's home phone line and are programmed in such a way that, in an emergency, a client can press a small, wireless, remote switch or button which he/she wears and which will activate the unit to summon help. The type of home unit remote control can vary, based on client's needs, to instead utilize sip and puff, patient down, or other features.) which he/she wears and which will activate the unit to summon help. The unit must have the ability to send a signal when help arrives at the individual's home.

b) Minimum Performance Features For Home Unit:

1) Two components are involved. The first is a small, wireless Personal Help Button. The second is a communicator which is attached to the person's phone line and, when activated, will dial a predetermined phone number and send an electronic message. There may be a long distance charge if client does not reside in area of EHRS.

2) Personal Help Button

The Personal Help button is sufficiently small to be worn as a pendant or like a wristwatch. It must have the following characteristics:

- A) Crystal or Surface Acoustic Wave resonator (SAW) controlled transmitter frequency for long term reliability.
- B) Digital encoding for 10 or more combinations.
- C) When pressed (activated), it will activate the person's Home Communicator within 175 feet of the person's Home Communicator when pressed (activated).
- D) Internal battery life of 5 years.
- E) Low battery signal transmission.
- F) Certification under 47 CFR 15, October 1, 1985, with no later amendments.
- 3) Minimum standards required of the communicator are:

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A) The communicator is an integrated unit for the home that connects to the person's phone line through a modular jack, and to the alternating current power source through an Underwriters Laboratory approved plug-in transformer.

B) The communicator is attached to the telephone line and does not interfere with normal use of the telephone. It has the capability of automatically seizing the telephone line, even when an extension phone is off the hook, dialing the number of the EHRC Electronic Home Response Center (EHRC) and sending a digital message identifying the person signaling, and, if applicable, indicating whether the signal is an active emergency (button pressed) or reset signal.

C) The communicator looks for a "ready" signal to insure that it is on line with the EHRC and a "confirmation" signal to insure that the message has been verified. If either of these signals is not received, the unit will "hang up" and try again.

D) The system is useful to both the visually and hearing impaired. When the communicator is activated, it gives both visual and audible indications of the alarm condition.

E) The controls of the communicator are easily explainable and usable by persons with disabilities. It must be possible to abort signals.

F) The communicator has a battery to provide at least 12 hours of operation in the event of a power failure. This battery is continuously charged when power is on. Should the battery become discharged, the communicator will send in a coded message to indicate a low battery condition.

G) The communicator must be certified under 47 CFR 68 and 15, October 1, 1985, with no later amendments or editions.

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(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART B: DAY CARE SERVICE PROVIDER REQUIREMENTS

Section 714.100 Staffing of Adult Day Care Service Component

The Department of Rehabilitation Services (DORS) incorporates the Department on Aging's (DoA) Rules, General Staffing of Adult Day Care Service Component--rules--Staffing Requirements as set forth in--DoA's--rule at 89 Ill. Adm. Code 240.965 1555.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 714.110 Standard Requirements for Adult Day Care Providers

a) DORS shall require its Adult Day Care Providers to comply with incorporates--by--reference--the DoA's Standard Requirements for Adult Day Care Vendors as set forth in 89 Ill. Adm. Code 240.1550.

b) In addition, aAdult dDay eCare pProviders (Providers) must agree to provide the following services:

1) ensure that prescribed medication is administered to clients who are unable to self-administer medications--judgment of a client's inability to self-administer medications will be documented by a physician or nurse licensed under the Medical Practice Act of 1987 (Ill. Rev. Stat., 1987, ch. 111, par. 4400-1-1 et seq.) or the Illinois Nursing Act of 1987 (Ill. Rev. Stat., 1987, ch. 111, par. 3501-1-1 et seq.) and/or the DORS Home Services care plan (89-111-Adm-Code-700);

2) comply with the standards set forth in the Illinois Accessibility Code (71-111-Adm-Code 400) and

3) have established procedures for reporting loss or injury, agency contact, forms, and follow-up.

1) developing a client care plan;

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- 2) assisting or arranging for personal care, hygiene and self-care training, if applicable;
 - 3) leisure time activities and recreation;
 - 4) assistance of a medical nature (medication, assessments, exercises);
 - 5) meals and snacks; and
 - 6) maintaining client records.
- c) Staff. In addition to the provisions of Section 714.100, the Provider shall employ a:
- 1) full-time Program Administrator;
 - 2) the equivalent of a full-time Program Coordinator/Director;
 - 3) Program Nurse, at least part-time who is on duty at least a portion of every standard work day; and
 - 4) Nutrition Staff.
- d) The Provider shall be in compliance with:

- 1) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794);
- 2) Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 et seq.);
- 3) the Illinois Accessibility Code (71 Ill. Adm. Code 400); and
- 4) the Americans with Disabilities Act (42 U.S.C. 12101-12213).

e) The Provider shall record administration of all medications and ensure that prescribed medication is administered to clients who are unable to self-administer medications. Judgment of a client's inability to self-administer medications will be documented by a physician licensed under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.), by a nurse licensed under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch.

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111, par. 3501 et seq.) or the DORS Home Services care plan (89 Ill. Adm. Code 700).

- f) The Provider must have a record of how much pre-service training each employee has had and a record of in-service training of 12 hours/year for staff.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 714.120 Adult Day Care Staff Positions, Qualifications and Responsibilities

Standards applied by DORS to adult day care staff positions, qualifications and responsibilities are those as set forth in DoA's rule 89 Ill. Adm. Code 240.966 1560, with the following modifications:

- a) in 89 Ill. Adm. Code 240.966 1560(a)(1)(A)(ii), substitute "programs serving people with disabilities" for "programs serving the elderly", and
- b) in 89 Ill. Adm. Code 240.966 1560(a)(2)(A)(ii), substitute "programs serving people with disabilities" for "programs serving the elderly."

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 714.130 Annual Compliance Review

DORS shall complete an annual review of each Adult Day Care (ADC) pProvider who has provided services to DORS clients during the preceding year, to ensure the pProvider's compliance with requirements contained within Subpart B.

- a) The annual review shall be conducted on-site by the appropriate DORS Regional Administrator, or designee, using the Adult Day Care Review form (IL 488-2129). Written notification of the visit shall be sent to the Provider.

- b) Within 15 calendar days after completion of the review, a copy of the completed Review form and a cover letter stating the results shall be mailed to the Provider. Findings of non-compliance shall be noted in the letter including necessary action (e.g., need to hire a Program Nurse or increase its public liability

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insurance), time frames for complying and related follow-up (e.g., on-site visit, correspondence).

- 1) Providers in compliance shall receive an ADC Rate Agreement.
- 2) Providers not in compliance will not receive a Rate Agreement and must reapply as a new provider.
- 3) Providers not in compliance may appeal their rating by writing to the Manager of HSP Services. The HSP Manager shall review the review results, discuss the issue(s) with the Provider and HSP staff, and render a written decision on the appeal within 15 working days of receipt of the appeal.

(Source: Amended at 16 Ill. Reg. ____, effective ____)

SUBPART C: PERSONAL ASSISTANT REQUIREMENTS

Section 714.300 Personal Assistant (PA) Standards

The PA shall have a Social Security number and must:

- a) provide DORS with a copy of the Social Security card or other document that will verify this number.
- b) be at least 16 years of age and not employed during school hours, or 17 years and a high school graduate, or 18 years of age or older.
- c) have:
 - 1) at least two recommendations, oral or written, from former or present employers, or
 - 2) the recommendation of an Independent Living Center, or
 - 3) if never employed, at least two references from people other than relatives.
- d) be able to communicate with the client to the satisfaction of the client or client's representative (when the client is unable to make decisions or speak on his or her own behalf) and counselor.

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- e) be able to follow directions to the satisfaction of the client or client's representative and counselor.
- f) shall complete and sign the Personal Assistant Agreement as specified in Section 714.310.
- g) have experience and/or specific training consistent with the tasks performed for the client, in the home.

(Source: Added at 16 Ill. Reg. ____, effective ____)

Section 714.310 Personal Assistant (PA) Agreement

The PA shall:

- a) provide services in accordance with the client's service plan, as developed per 89 Ill. Adm. Code 700.100 (Service Plan Development).
- b) keep a record of hours worked and wages earned per client--for each month--and submit a monthly statement signed by the PA and each client verifying the amount of hours worked and wages earned. DORS shall not pay for more hours than authorized unless the client has received prior approval from DORS (e.g., episodes of acute illness requiring more care and the temporary absence of informal caregivers such as friends or family members requiring a temporary increase in purchased care).
- c) make available records in subsection (b) to DORS or to others designated by DORS (e.g., Health Care Financing Administration or Illinois Department of Public Aid).
- d) maintain all client information as confidential by not disclosing any information about clients, orally or in writing, to anyone other than those designated in writing by DORS staff.
- e) not subcontract the services to another individual or entity.
- f) provide services only while the client resides in the home. If the client moves from his/her home for any reason or is hospitalized or institutionalized, services shall not be provided.

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- 9) agree to the following and sign a PERSONAL ASSISTANT AGREEMENT, as specified in this Section. As the PA's employer consumer of Personal Assistant Services, the client is responsible for locating, choosing hiring, supervising, training, and disciplining and firing, if necessary, the PA. ~~benefits are not available~~ through the State of Illinois does not provide paid vacation, holiday, or sick leave, including but not limited to worker's compensation, insurance, vacation or holiday pay, and sick leave. Arrangements for schedules or time off shall be made by the client and the PA, but shall need to be reported to DORS per the Home Services Authorization of Services (IL 488-1844) only for the sole purpose of processing payment. DORS reports its payments to the PA to the Illinois Department of Employment Security (DES) and a PA may choose to apply for unemployment benefits, but DES, not DORS, determines if the provider will receive benefits. The PA may apply for workers' compensation benefits, through DORS, and some clients may have workers' compensation insurance; however, DORS maintains it is not the PA's employer for the purposes of workers' compensation. No money will be withheld from the PA's wages by DORS for federal or state income taxes, or for any other purpose, except in accordance with administrative or judicial orders (e.g., court ordered child support or garnishment of wages). However, social security tax (FICA) shall be withheld by DORS on behalf of the client.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: State Administration of the Federal Community Services Block Grant Program

2) Code Citation: 47 Ill. Adm. Code 120

Section Numbers:	Adopted Action:
120.30	Amendment
120.55	Amendment
120.80	Amendment
120.90	Amendment
120.110	Amendment
120.115	Amendment

- 4) Statutory Authority: Implementing the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2601 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.42).

5) Effective Date of Amendments: February 14, 1992

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: February 11, 1992.

9) Notice of Proposal Published in Illinois Register: September 27, 1991 - 15 Ill. Reg. 13993.

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Differences between proposal and final version: In Section 120.80 (d)(3), line 2, inserted "in accordance with applicable OMB Circulars" after "services".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: This rulemaking serves to revise various provisions in the "State Administration of the Federal Community Services Block Grant Program" rules including: updated citations in Sections 120.55 and 120.90; a revised definition of equipment in Section 120.30; a change to the contractual service requirements in Section 120.80; technical corrections to Section

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120.110; and revised language in Section 120.115 which changes the amount loaned per job from \$5,000 to \$7,500 and increases the percent of entry level salary used in calculating the loan amount from 50% to 75%. The changes to Section 120.115 are in response to comments submitted by the Economic Development Committee of the Policy Advisory Council regarding another amendment to that section (published June 14, 1991 at 15 Ill. Reg. 8617).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norm Sims, Deputy Director
Department of Commerce and Community Affairs
Bureau of Policy Development, Planning & Research
620 East Adams Street, 3rd floor
Springfield, Illinois 62701
(217) 524-4845

The full text of the Adopted Amendments begins on the next page:

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 120

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES
BLOCK GRANT PROGRAM

Section	
120.10	Legislative Base
120.20	Purpose and Scope
120.30	Definitions
120.40	Allocation
120.50	Grant Application Requirements
120.55	Grantee Termination
120.60	Grantee Selection
120.70	Required Board Structure
120.80	Administrative Requirements
120.90	Nondiscrimination
120.100	Complaint Process
120.110	Program Types-Description
120.115	CSBG Loan Programs
120.120	Eligibility Requirements
120.130	Limitations On Use of CSBG Funds
120.140	Incorporation by Reference

AUTHORITY: Implementing the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2601 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.42).

SOURCE: Adopted and codified at 7 Ill. Reg. 2934, effective March 9, 1983, amended at 8 Ill. Reg. 6023, effective April 20, 1984; amended at 9 Ill. Reg. 10692, effective June 28, 1985; amended at 9 Ill. Reg. 18130, effective November 12, 1985; amended at 10 Ill. Reg. 8666, effective May 13, 1986; amended at 10 Ill. Reg. 8976, effective May 13, 1986; amended at 10 Ill. Reg. 21051, effective December 8, 1986; amended at 11 Ill. Reg. 5926, effective March 19, 1987; amended at 11 Ill. Reg. 7937, effective April 20, 1987; amended at 12 Ill. Reg. 751, effective December 28, 1987; amended at 12 Ill. Reg. 17311, effective October 17, 1988; amended at 13 Ill. Reg. 779, effective January 4, 1989; amended at 13 Ill. Reg. 13562, effective August 11, 1989; amended at 13 Ill. Reg. 14026, effective August 28, 1989; amended at 14 Ill. Reg. 13970, effective August 20, 1990; amended at 15 Ill. Reg. 16945, effective November 12, 1991; amended at 16 Ill. Reg. 3078, effective February 14, 1992.

Section 120.30 Definitions

"Administering Board" -- a tripartite, community based administering board shall be established when a local government or combination of governments is the grantee. All related policies and decisions

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adopted and implemented by the governmental body shall be based upon recommendations of the administering board. This board shall be established in accordance with Section 120.70(b) of this Part as required in Section 675(c)(2)(B)(3) of the Act.

"Community" -- The geographic area served by the Grantee and may be a county, a city, or multi-county unit.

"Community Action Agency (CAA)" -- A governmental or not-for-profit agency established to carry out anti-poverty activities and possessing a unique governing or administering board structure as outlined in Title 45, Code of Federal Regulations, October 1, 1979, Chapter 10, Section 1062.

"Department" -- The Illinois Department of Commerce and Community Affairs.

"Designating Official" -- Chief elected official of the political subdivision encompassed by the CAA. If a multi-jurisdictional CAA, the designating official(s) shall be the highest elected official from each of the member political subdivisions.

"Eligible Entity" -- Any organization which was officially recognized as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964 or recognized by the Governor or his duly authorized representative under the provisions of the Illinois Economic Opportunity Act and Section 673 and 675 of the Act.

"Equipment" -- Nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit.

"Grant Document" -- Community Services Block Grant contract documents between the Department and the Grantee for a specific program period which details the responsibility of each party.

"Grantee" -- The local organization administering the Community Services Block Grant in a specified geographic area.

"Program Income" -- Earnings by the grantee realized from grant supported activities.

(Source: Amended at 16 Ill. Reg. 3078, effective February 14, 1992)

Section 120.55 Grantee Termination

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1.110 and as follows are applicable.

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a) Any Community Action Agency (CAA), either established (i.e., local designation and state recognition) under the Community Services Block Grant Act (the Act) or under the Illinois CSBG program in accordance with the Act and the Illinois Economic Opportunity Act, will be awarded continuing CSBG program administering responsibilities in its established jurisdiction unless the following shall occur:

- 1) written communication to the Department stating its desire to discontinue operation of the program; or
- 2) material failure by the CAA to comply with Sections 673, 675, 677, and 680 of the Act and 45 CFR 96.30, 96.51, 96.90, and 96.91 (October 1, 1990 1986); the provisions of the grant agreement; the provisions of 47 Ill. Adm. Code 1 and 120. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a CAA insolvent, and denial of access to records of grant-related transactions.

b) Upon discovery of one of the conditions noted in subsection (a), the Department will take the following action:

- 1) The Department shall notify the CAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the CAA that, in accordance with this Part and Section 675(c)(11) of the Act, it is entitled to a hearing. The CAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:

- A) a requirement that the CAA (in order to receive continued CSBG funding) shall agree to submit to a Department appointed official throughout the termination process as a reviewer of all CSBG related expenditures of the CAA. The only costs that will be approved by the Department official are those expenditures which are reimbursable under Section 120.80(a) and which comply with the objectives and program activities specified in accordance with Section 120.50(b)(4); or
- B) in the event the CAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to these rules. (Simultaneous with suspension notice to CAA's, the Department will notify the U.S. Department of Health and Human Services of same and the Department will advise the suspended CAA of its right to seek direct funding from the U.S. Department of Health and Human Services.)

- 2) The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1989 and 1990 Supp. 1985, ch. 110A, pars. 701-774), will be obtained by the Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of

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1984 (Ill. Rev. Stat. 1989 1985, ch. 111, pars. 6201 et seq.). Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the CAA and grantor agency at least ten (10) days prior to the hearing. The cost for the hearing officer and the services of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The CAA shall bear the cost of its copy of the transcript of proceedings.

- c) The hearing shall be conducted in accordance with Sections 10 through 15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989 and 1990 Supp. 1985, ch. 127, pars. 1010-1015). The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.
- d) The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to Section 120.55(a). The Department will notify the CAA of the Department's final determination within thirty (30) days.
- e) Secretary's Review
If the Department's decision is to terminate funding to the CAA, the Department shall also, with its notice to the CAA, advise the CAA of the provisions for review of the termination proceedings by the Secretary of the Federal Department of Health and Human Services pursuant to Section 676(A) of the Act.

(Source: Amended at 16 Ill. Reg. 3078, effective February 14, 1992)

Section 120.80 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

- a) Compensation - The Grantee cannot be reimbursed for costs which exceed the total approved budget. Budget line items within and between categories may be increased without prior approval by up to 20% when other line items or cost categories are reduced by corresponding monetary amounts in other categories. The administration category may only be reduced and the special category may only be increased. Equipment and contractual service line items may not be increased without prior approval. The Department will grant approval to modify budgeted amounts when the modification is necessary to achieve program objectives.
- b) Unexpended Funds -- CSBG fund balance from the previous fiscal year will be, subject to written approval of the Department BECA, carried into the grantee's succeeding fiscal year CSBG program. The carry-over funds will not reduce the succeeding fiscal year allocation, but the carry-over amount should not exceed 20% of the agency's annual CSBG allocation and the succeeding year's work program must reflect additional planned program achievements with reasonable

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probability of accomplishing those planned achievements so as to eliminate future substantive unexpended balances.

- c) Reporting
1) An Expenditure Summary and Payment Request shall be submitted to the Department on or before the fifteenth calendar day of each month after the first month of the program year, using forms provided by the Department.
- 2) A Quarterly Program Report shall be submitted to the Department by the 15th day following the end of each calendar quarter.
- d) Contractual Services - All contractual services require prior approval of the Department. Grantees will request approval of contractual services as part of the annual budget process and in any subsequent modifications to the contractual services line item of the budget. Requests to expend funds for contractual services will be approved when the following conditions are met:
 - 1) services respond to a demonstrated need (i.e., legal services, transportation, licensed drug/alcohol counseling);
 - 2) services are not duplicative of existing program services;
 - 3) the Grantee assures the reasonableness of the costs for the services in accordance with applicable OMB circulars; ~~services are an allowable cost in accordance with General Accepted Accounting Principles of the American Institute of Certified Public Accountants (1983); and~~
 - 4) services benefit low income participants in accordance with Section 120.60(b)(3)(B) of this Part.
- e) Publication, Reproduction and Use of Material - Any publication produced as a result of a CSBG grant shall include in its title page the following citation: "This project was conducted with funds provided by the Illinois Department of Commerce and Community Affairs and does not necessarily represent in whole or in part the viewpoint of the Illinois Department of Commerce and Community Affairs."
- f) Assurances - Grantees must comply with the provisions of Sections 675(c)(2)(B)(6) through (10) of the Act.

(Source: Amended at 16 Ill. Reg. 3078, effective February 14, 1992)

Section 120.90 Nondiscrimination

- a) Equal Employment Opportunity
1) In carrying out the program, the Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national

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origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Grantee shall state that all qualified applicants ~~will~~ shall receive consideration for employment without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall incorporate the foregoing requirements of this paragraph (a) in all of its contracts for program work.

2) The Grantee shall cause or require to be inserted in full in any contract and subcontract for work, or modification thereof, all applicable Federal and State Equal Employment Opportunity Provisions.

b) Discrimination -- The Grantee shall refrain from unlawful discrimination in employment and ~~shall~~ will undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act- (Ill. Rev. Stat. 1989 and 1990 Supp. 1987, ch. 68, par. 1-101 et. seq.). The Grantee shall also adhere to the nondiscrimination provisions of rules issued by the Illinois Department of Human Rights entitled "Procedures Applicable to All Agencies" (44 Ill. Adm. Code 750. Appendix A); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975 (42 U.S.C. 6106-6107); Title VI of the Civil Rights Act of 1964 (24 CFR Part I); Title IX of the Education Amendments of 1972 (20 U.S.C. 1134); Section 677(a) of the Act; Executive Order 11246 (30 FR 12319, September 24, 1965) as amended by Executive Order 11375 (32 FR 14303, October 13, 1967); and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601).

(Source: Amended at 16 Ill. Reg. 3078, effective February 14, 1992)

Section 120.110 Program Types-Description

- a) General Program Purposes -- The Grantee will use the Community Services Block Grant available through the State of Illinois for purposes as described under Section 675(e) of P.L. 97-35 (See State Administration of the Federal Community Services Block Grant Program (Section 120.10)).
- b) Program Priorities -- The Department's priorities parallel those of

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the Act, and fall into the following categories:

- 1) Economic Development -- Reflecting the importance of a community's economic viability for the poor, the highest priority of the Illinois CSBG program is the establishment of economic development programs which create jobs. Program activities may include but are not limited to low interest loans to businesses, establishing businesses as subsidiary or independent corporations, job counseling services and referral services, working with the private sector to establish programs to employ low-income and handicapped persons, and linkages with employment and training programs. Grantee agencies must utilize at least ten to fifteen percent (10% - 15%) of their annual CSBG allocation for job creating economic development. If the Grantee commits to the CSBG Revolving Loan Program, the ten percent (10%) amount is acceptable. If the Grantee chooses other job creating activities, enumerated in this subsection, the minimum commitment is fifteen percent (15%).
- 2) Education -- Recognizing the importance of education in breaking the cycle of poverty, priority is given to education programs which are designed to increase the capability of the poor to function productively in society. Examples of activities in this regard include the provision of scholarships, the administration of General Education Diploma (GED) programs, vocational education courses, and consumer education programs.
- 3) Emergency Assistance -- Recognizing that crisis situations (generally life threatening) frequently occur within the low-income population, priority is given to programs that intervene for purposes of alleviating the crisis situation. Examples of activities in this regard include but are not limited to services that provide shelter, food, clothing, fuel, medical assistance, and transportation to poverty level individuals.
- 4) Housing -- Priority is given to programs designed to help the poor obtain and maintain housing. Activities under the overall housing program may include referral services, tenant counseling, packaging of loan applications, low cost energy-related repair of homes. These activities may be linked with other housing related assistance in the community, such as the Energy Assistance and Weatherization programs.
- 5) Income Management -- Counseling and instructing low-income individuals and families in the management of their income is an acceptable program activity. This could take the form of addressing consumer education issues, assistance in preparation of federal and state income tax reports, and the provision of workshops on income savings measures.
- 6) Nutrition -- Poor nutrition and/or lack of proper diet are often synonymous with the effects of poverty. Activities designed to increase eligible clients' awareness of proper diet and food preparation is a concern to the total community. These activities may include the storing and distribution of surplus

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United States Department of Agriculture (USDA) agricultural commodities: preparation and service of hot meals; food baskets; and programs designed to prevent malnutrition.

- 7) Other Program Areas -- An assessment of local poverty population needs may determine other priority areas. These could include but are not limited to family and individual counseling programs, transportation projects, projects to assist the elderly poor, summer youth recreation programs, and joint anti-poverty ventures with the private or public sectors. A joint anti-poverty venture with the public or private sector is a project which is financed with grant funds and other public or private sector funding.

(Source: Amended at 16 Ill. Reg. 3078, effective February 14, 1992.)

Section 120.115 CSBG Loan Programs

a) Loan Types

- 1) Fixed Rate Financing Fund Loan
 - A) CSBG funds are loaned through Grantees to an Illinois business in a separate but companion agreement to a conventional loan.
 - B) The combined loans must exceed \$75,000.
 - C) The CSBG loan represents no less than ten percent (10%) and no more than twenty percent (20%) of the total loan package (combined borrowing and equity).
 - D) The conventional loan is obtained from a licensed Illinois lending institution. The Small Business Administration guarantees up to 90% of the private lending institution's loan through its 7(a) Guaranteed Loan Program (15 U.S.C. 636(a)). The lending institution may sell the guarantee, called a "guaranteed interest certificate" into the secondary money market at a fixed interest rate that is one-half to one percent above Treasury bonds of the same maturity.
 - E) The CSBG loan term may not exceed 10 years.
 - F) CSBG loan interest rate (Fixed-Flexible option).
 - i) The CSBG loan shall have a fixed interest rate of no more than five percent (5%); or
 - ii) At the grantee's option, the interest rate to the borrower may be set at loan inception at a rate not to exceed one-half (1/2) of the Prime Interest Rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one year period. Thirty (30) days before the annual anniversary date of the loan, the Grantee shall notify the borrower of the interest rate to be charged for the next year (based on 1/2 of Prime at date of notice). The annual

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interest rate under this flexible option shall never exceed the original interest rate (ceiling) and the Grantee may set a minimum (floor) interest rate of five percent (5%) or less for the duration of the loan.

- G) The conventional and CSBG loan closings must be within 60 days of each other.

2) CSBG Revolving Loan

- A) CSBG funds are loaned through Grantees to an Illinois business in a separate but companion agreement to a conventional loan.
- B) The CSBG loan represents no more than forty-nine percent (49%) of the total loan package (combined borrowing and equity).
- C) The conventional loan is obtained from a licensed Illinois lending institution.
- D) The CSBG loan term may not exceed 10 years but may be for a shorter term at the discretion of the Grantee.
- E) CSBG loan interest rate (Fixed-Flexible option)
 - i) The CSBG loan shall have a fixed interest rate of no more than five percent (5%); or
 - ii) At the grantee's option, the interest rate to the borrower may be set at loan inception at a rate not to exceed one-half (1/2) of the Prime Interest Rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one year period. Thirty (30) days before the annual anniversary date of the loan, the Grantee shall notify the borrower of the interest rate to be charged for the next year (based on 1/2 of Prime at date of notice). The annual interest rate under this flexible option shall never exceed the original interest rate (ceiling) and the Grantee may set a minimum (floor) interest rate of five percent (5%) or less for the duration of the loan.
- F) The conventional and CSBG loan closings must be within 60 days of each other.
- b) Hiring and Job Retention
 - 1) Establishing a Pre-Loan Base Number of Employees -- The Grantee shall review the borrower's employment verification records at the time of the loan closing to establish the pre-loan employment level in order to assure that no personnel cuts were made by the business in anticipation of the pending loan and its hiring requirements.
 - 2) Hiring Requirements
 - A) Businesses accepting CSBG loan funds must hire at least one new full-time equivalency (minimum 37 1/2 hour work week, averaged annually) CSBG eligible (in accordance with

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Section 120.120) employee for each \$7,500 57000 or any portion thereof of CSBG monies borrowed

Example: \$ 1-\$ 7,50057000 Minimum
\$ 570007,501-\$15,000407000 1 Job
\$40700015,001-\$22,500157000 2 Jobs
3 Jobs; or

- B) The Department shall allow, based on presentation of written verifiable jobs (to be created) salary data submitted as part of its loan application, the Grantee to set the amount loaned per job at seventy-five fifty percent (75% 50%) of the entry level salary (which may include non-required benefits) for each proposed job up to a maximum of \$20,000 \$7000 per job. (For example: an entry level salary of \$40,000 would warrant lending of \$20,000 157000; a entry salary would warrant lending of \$15,000 407000; a \$7,000 entry salary would warrant lending of \$5,250 37500.) (No combination of (A) and (B) of this subsection is allowed. The Grantee shall choose one method or the other.)
- C) If part-time employment is involved in the created jobs (under either (A) or (B) of this subsection), the full-time equivalency shall be no more than two employees making up one 37 1/2 hour work week.

- D) A hiring schedule must be a part of each loan agreement. The required hiring must be completed within the first 24 months of the loan, with at least 50% of the new employees hired in the first 12 month period. (For purposes of this hiring timeframe, the loan is considered consummated the date the borrower first receives the loan funds.)

- E) The job positions for CSBG eligible clients created by the loan must be retained and filled by an eligible client for at least 24 months from the date the job was first created. Grantees should attempt to retain the availability of the loan created jobs for CSBG eligible clients over the full loan term by maintaining professional contact (e.g., Job Training Partnership Act job referrals, Targeted Jobs Tax Credit program) with the business and tracking the jobs. Grantees, through their individual loan agreements, may negotiate more restrictive hiring requirements than stated in subsection (2).

- d) Loan Fund Use
CSBG funds loaned may only be used to purchase machinery, equipment or inventory or to provide working capital. CSBG loans may not be used to purchase or improve real property (per Section 120.130 of this Part). This real property restriction does not apply to loans made with "Recaptured Loan Funds" (as described in subsection (h)).

- d) Loan Security
Provisions (collateral) shall be made for first position on loan security. If first position is impossible because of the primary lender's claims, the Grantee should negotiate shared position with the

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private lender. Subordinate position for loan security should be the CAA's last resort. Loan agreements shall contain precise listings and assignment of collateral established as security for the loan.

- e) Loan Contract Provisions
Each Grantee's loan contract with a borrower shall clearly, and in detail, specify the following:

- 1) Employment Plan (consisting of mechanism to assure GSBC client eligibility, timeframes, job descriptions);
- 2) Payment Schedule;
- 3) Interest Rate Charged;
- 4) Late Payment Penalty Provision (optional);
- 5) Default Provisions.

A) Events of Default:

- i) Payment Default: the Department shall consider a loan to be in default when payment arrearage reaches 90 days. Grantees may place more restrictive payment arrearage provisions in their loan contracts.

- ii) Hiring Default: a loan shall be considered in default when the hiring provisions specified in this Part and in the loan contract have not been met.

B) Default Remedies:

- i) Payment Default: the loan will be called or renegotiated (loan renegotiation approval must be requested of the Department and will be approved when the Grantee's written request states that the renegotiation is the only practical means of loan recovery and/or will prevent bankruptcy and/or will prevent a loss of jobs to the local area).

- ii) Hiring Default: an interest acceleration clause shall be a part of each loan contract. At a minimum the clause shall provide that after notice by the Grantee to the borrower that the hiring provisions have not been met, the interest rate for the loan will increase to the National Prime Rate as shown in the Wall Street Journal on date of notice. Such increased rate shall remain in effect until hiring deficiencies have been corrected or the loan is called. No less than one-half of the proceeds from the interest penalty shall be treated as repaid principal. (The Department will allow a one-time waiver per loan to the interest acceleration provision when the Grantee, in writing, shows that such acceleration will cause borrower bankruptcy and further loss of jobs and submits a proposed renegotiated hiring schedule that meets the CSBG job creation and hiring requirements through no more than a 24 month extension.) The Department will allow other equally punitive hiring noncompliance interdictions in grantees' loan contracts in lieu of the interest acceleration penalty. Such other

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interdictions may include (but are not limited to) fines, partial loan recall and pre-scheduled interim balloon payments;

- 6) Loan Security Provision (The Grantee shall perfect the loan security. For example: hold title to vehicles; secure a mortgage on pledged real property; require Uniform Commercial Code (U.C.C.) (Ill. Rev. Stat. 1989, ch. 26, pars. 1-101 et seq.) filing for pledged equipment, fixtures and inventory.);

- 7) Collateral Descriptions;

- 8) Prepayment Provisions (optional);

- 9) Hiring Schedule;

- 10) Use of Loan (Machinery, Working Capital, Equipment);

- 11) Hiring Noncompliance Penalty (optional);

- 12) Other documentation necessary to assure compliance (e.g., hiring reports); and

- 13) Primary lender - amount - term - interest - collateral.

f) Loan Payment Provisions

- 1) The interest rate for the CSBG loan shall have a fixed rate not to exceed 5% or an annually adjusted rate as specified in subsection (a)(2)(E).

2) Payment Schedules

- A) Payments shall include principal and interest calculated in accordance with standard loan tables.

- B) Loan payments shall not be deferred.

- C) Grantees, through their individual loan agreements, shall impose a late payment penalty of not less than five percent (5%) of any monthly installment not received from the borrower within fifteen (15) days after the installment is due.

g) Loan Approval Process for Loans Under Current Grants

- 1) All Grantee CSBG funded loans must be submitted to the Department for approval. The Department's review and determination to approve or disapprove the loan will be given in writing within twenty (20) working days of receipt of a complete set of the loan documents. (Loans submitted for approval after November 15, of any calendar year may take up to forty-five (45) working days for approval.)

- 2) The loan application documents to be submitted and upon which the decision of the Department will be based, consist of:

- A) The loan agreement containing all provisions in compliance with this Part.

- B) Application documents:

- i) History of the Company - a brief history of the business and past employment growth.
- ii) Market Information - information on the company's products or services and identification of existing and potential major customers and competitors.
- iii) Corporate Financial Statements - historical corporate financial statements for the past three years and

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interim statements dated no more than ninety days prior to application including: Profit and Loss Statements, Balance Sheets, Cash Flow Statements, and Disclosure of Contingent Liabilities.

- iv) Three Year Projections - three year projections of the Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.

- v) Description of Machinery and Equipment (if applicable) - major equipment or classes of equipment to be acquired with the Department's program funds identified; for acquisition of new machinery and equipment; attachments of reliable vendor cost estimates; for moving and installation costs; attachments of written estimates; for used machinery and equipment acquisition, an independent appraisal demonstrating that the fair market value is in line with the purchase price.

- vi) Description of Working Capital (if applicable) - a detailed explanation of the need for and use of funds.

- vii) Company Management - a listing of those people that are responsible for the management of the company, their positions, and percentages of ownership.

- viii) Personal Resume(s) - a resume for senior staff at the proposed project site.

- ix) Personal Financial Statement - a personal financial statement(s) for each principal owning more than 20 percent of the company.

- x) Letters of Commitment - commitment letters documenting all sources of leveraging; loans from financial institutions must have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond must have an executed inducement resolution and the rates, terms, and conditions of approval by the buyer.

- 3) Financial Evaluation Component - The applicant's financial statements, including annual balance sheets and profit and loss statements for the past three years as well as the most recent ninety days; a three year projected balance sheet and profit and loss statement as well as a one year monthly cash flow statement will be reviewed through a standard credit analysis (as prescribed in the Business Credit Analysis Textbook, 1985, published by the National Development Council) which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1990) if such industry is

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evaluated by this source. This standard credit analysis will determine the financial stability of the company. Determination of the loan approval will also be based on compliance with Section 9-4(a), (d), (e), and (f) of the Small Business Development Act (Ill. Rev. Stat. 1989, ch. 127, par. 2709-4(a), (d), (e), and (f)).

h) Loan Approval Process for Recaptured Loan Funds

- 1) All Grantee loans utilizing repaid principal from previous CSBG loans (recaptured loan funds) must be submitted to the Department for approval.
- 2) The Grantee may, at its option, request the Department to review the complete loan application. When this request occurs, the documents upon which the Department will judge its approval or disapproval and the process for this determination will be in accordance with subsection (g) of this Section.
- 3) If the Grantee chooses to conduct its own loan review, the loan document to be submitted and upon which the decision of the Department will be based is the "Pre-Loan Closing Form" which includes the following information:

A) Grantee Agency name, address and date of submittal;

B) Name and address of borrowing business;

C) Loan period;

D) Interest rate;

E) Hiring schedule;

F) Loan use;

G) Collateral description and position;

H) Primary lender, amount, and term; and

I) Signature of submitting officials.

- 4) The approval, or disapproval of the Department will be based on the loan period, interest rate, hiring schedule, loan use, collateral description and position, and primary lender amount being in compliance with this Part. The "Pre-Loan Closing Form" will have an Approval/Disapproval check box with an explanation section for disapproved submittals and a signature line for the Department's reviewer. This document, with the Department's determination and signature, will be returned to the Grantee within 10 working days of its receipt. (The approval process for loans submitted after November 15, of any calendar year may take up to forty-five (45) working days.)

i) Loan Fund Recovery/Re-Use/Disposition/Reversionary Right

- 1) Recovery
The repaid loan principal is considered by the Department to be a Community Services Block Grant-related asset, held in trust by the Grantee. The Grantee must place the repaid loan principal in a corporate revolving loan account to continue business assistance efforts in compliance with this Part. This continuation requirement shall be perpetually binding on the Grantee, its successors and assignees until such time as the Department formally negotiates with the agency other CSBG related

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uses for the recovered loan principal. The interest earned on the CSBG supported business loans is not required to be a part of the perpetuation of the loan program nor subject to the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2301 et seq.) and may be used for any corporate purpose.

Re-Use

- 2) Recaptured principal amounts will be reported quarterly to the Department. The Grantee shall actively pursue new business start up or expansion loan opportunities for the recaptured principal (written record of loan attempt activity). When it is found by the Department that recaptured principal has accrued to either \$40,000 or thirty-three percent (33%) of the annual repaid principal amounts (from the previous calendar year excluding any balloon payments), whichever is greater, the excess of these limits shall be declared to be lapsed principal. All interest earned on lapsed principal during the year and the excess principal held by the Grantee at the end of the calendar year, shall be payable to the Department, or its designee, Illinois Ventures for Community Action, Inc., (with thirty days written notice) by the end of February in the following calendar year.

3) Disposition

The Grantee may not sell, transfer or in any way dispose of the CSBG funded loans.

4) Reversionary Right

In the event of Grantee termination of funding (as specified in Section 120.55 of this Part) the Grantee's repaid principal loan fund balance and all current loans shall revert to the Department for transfer to the successor (Section 120.60 of this Part) agency.

j) Reporting/Monitoring/Recordkeeping

- 1) The grantee agency is responsible for monitoring the following provisions of each CSBG supported loan (including loans made with recaptured loan principal):

A) hiring schedule compliance including CSBG eligibility verification;

B) replacement of employees;

C) use of loan monies; and

D) loan repayment.

- 2) Loans made with recovered loan principal will be monitored and reported in the same manner as initial CSBG fund loans. The grantee agency monitoring must be completed prior to the Department's quarterly CSBG reporting requirement dates (1/15, 4/15, 7/15 and 10/15). The CSBG quarterly reports from the grantee agency will include a completed Quarterly Fund Hiring/Payback status report which provides the following information:

A) agency name and address, reporting period, and contact person;

- 1) 870.100 New Section
- 2) 870.105 New Section
- 3) 870.110 New Section
- 870.115 New Section
- 870.120 New Section
- 870.200 New Section
- 870.210 New Section
- 870.215 New Section
- 870.220 New Section
- 870.225 New Section
- 870.230 New Section
- 870.235 New Section
- 870.240, 870.245 New Section
- 870.300 New Section
- 870.305 New Section
- 870.310 New Section
- 870.315 New Section
- 870.320 New Section
- 870.325 New Section
- 870.400 New Section
- 870.405 New Section
- 870.500 New Section
- 870.505 New Section
- 870.510 New Section
- 870.515 New Section
- 870.520 New Section
- 870.525 New Section

- 4) Statutory Authority: Solid Waste Site Operator Certification Law (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7851 et seq.).
- 5) Effective Date of Rule: February 14, 1992
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this rulemaking contain incorporations by reference: No
- 8) Date filed in Agency's principal office: February 14, 1992
- 9) Notice of proposal published in Illinois Register: August 30, 1991, 15 Ill. Reg. 12094
- 10) Has JCAR issued a Statement of Objection to these rules? No

- B) a list of closed projects;
- C) total number of jobs created using CSBG dollars;
- D) total number of jobs retained using CSBG dollars;
- E) timetable for hiring (number to be hired by month, day, and year);
- F) total number of jobs filled to date (excluding terminations);
- G) number of CSBG persons hired who are female or minority employees;
- H) comments regarding the projects (terminations are to be noted here);
- I) loans totally repaid (name and amount of principal);
- J) loans presently being repaid (name, monthly principal, and principal to date);
- K) total principal repaid to date on all loans;
- L) balance of funds in recaptured account;
- M) loans made from recaptured funds (business name and CSBG dollar amount); and
- N) loans delinquent in payback (business name, total amount delinquent, how long delinquent).

3) The grantee agency must maintain loan program data (e.g., bank statements, copies of W-4's) to verify information reported quarterly to the Department.

4) The Department's program monitoring and annual auditing will include verification of the Grantee's report on the status of each consummated loan.

(Source: Amended at 16 Ill. Reg. 3078, effective February 14, 1992)

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been replaced with lower case letters with the exception of "Illinois" and "Class B Certificate" appearing at (e)(5).

Section 870.225 Certificate Validity: The citation at the end of the Section has been updated.

Section 870.235 Certificate Renewal: Section 870.235(b)(2) the word "and" has been inserted after the semicolon at the end of the section.

Section 870.240 Emergency Certification: Section 870.240(c) the word "submittal" in the third sentence has been replaced by the word "submitting".

Section 870.245 Certification: The comma after the word "true" in the first sentence has been deleted.

Section 870.300 Requirement of Examination: Section 870.300(c) the word "complete" has been inserted between the words "An" and "application", and the word "complete", appearing in both the first and second sentences, has been replaced with the word "effective".

Section 870.500 Investigation: A comma has been inserted after the words "revocation of" in the first sentence. Commas have been inserted after the words "Agency may" and "charges which" in the second sentence. The comma after the words "applying for" in the second sentence has been deleted.

Section 870.510 Procedure: The word "where" has been replaced with the word "when".

Section 870.515 Grounds: This is a new section and reads:

a) The Agency may suspend, revoke, or refuse to issue any certificate or Special Waste Endorsement for any one or any combination of the following causes:

- 1) The practice of any fraud or deceit in obtaining or attempting to obtain a certificate of competency;
- 2) Negligence or misconduct in the operation of a sanitary landfill;
- 3) Repeated failure to comply with any of the requirements applicable to the operation of a sanitary landfill, except for Board requirements applicable to the collection of litter;
- 4) Repeated violations of federal, state or local laws, regulations, standards, or ordinances regarding the operation of refuse disposal facilities or sites;

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11) Differences between proposal and final version:

Table of Contents: Section 870.205 "Interim Certificate" deleted.

Section 870.305 the word "Exam" has been replaced by the word "Examination". Section 870.310 the word "Exam" has been replaced by the word "Examination". Sections 870.515 "Grounds", 870.520 "Sanctions", and 870.525 "Appeal" have been added.

Authority Note: Updated to reflect inclusion of Solid Waste Site Operator Law in Ill. Rev. Stat. 1990 Supplement.

Section 870.110 Definitions: Comma inserted after the words "transport earthen materials" in the definition of earth moving equipment. Deleted "s" from the word "operators" in the definition of Solid Waste Site Operator Law. Updated citation at end of definition of Solid Waste Site Operator Certification Law.

Section 870.120 Severability: Replaced "shall be" with "is".

Section 870.200 Categories of Certificates Available: Section 870.200(a) inserted the letter "a" between "with" and "Special Waste Endorsement" in the first sentence. Section 870.200(b) the word "its" has been replaced by "their", and an "s" has been added to the word "staff". Section 870.200(c) the word "its" has been replaced by "their", and an "s" has been added to the word "staff". Section 870.200(d) the word "its" has been replaced by "their", and an "s" has been added to the word "staff". Also, the citation at the end of this Section has been updated.

Section 870.205 Interim Certificate: This Section has been deleted.

Section 870.210 Class A Certificate: Section 870.210(b)(2) the comma after the word "cause" has been deleted. Section 870.210(b)(3)(A) the words "graduated FROM HIGH SCHOOL" have been replaced by "a high school diploma". Section 870.210(b)(3)(B)(ii). The citation at the end of this Section has been updated. Section 870.210(b)(4) the words "NOT LESS" have been replaced by "no fewer", and the citation has been updated. Section 870.210(e) a comma has been inserted after the word "above". Section 870.210(e)(1) through (5) all upper case letters have been replaced with lower case letters with exception of "Illinois" and "Class A Certificate" appearing at (e)(5).

Section 870.220 Class B Certificate: Section 870.220(b)(3)(A) the words "graduated FROM HIGH SCHOOL" have been replaced by "a high school diploma". Section 870.220(b)(3)(B)(ii) the citation at the end of the Section has been updated. Section 870.220(b)(4) the words "NOT LESS" have been replaced by "no fewer", and the citation has been updated. Section 870.220(d) the lower case "s" in section has been replaced by an upper case "S". Section 870.220(e) a comma has been inserted after the word "above". Section 870.220(e)(1) through (5) all upper case letters have

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- 5) Conviction in this or another state of any crime which is a felony under the laws of this state or conviction of a felony in a federal court;
- 6) Proof of gross carelessness or incompetence in handling, storing, processing, transporting, or disposing of any hazardous waste; or
- 7) Being declared to be a person under a legal disability by a court of competent jurisdiction and not thereafter having been lawfully declared to be a person not under legal disability or to have recovered. (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7856, Section 1006).

b) The Agency may, in its discretion, issue or refuse to suspend or revoke a certificate or Special Waste Endorsement notwithstanding the applicability of any of the factors set forth in Section 870.515(a) if mitigating factors exist such that certification should be issued. Mitigating factors include, but are not limited to, the following:

- 1) The severity of the misconduct;
 - 2) How recently the misconduct took place; or
 - 3) The degree of control exerted over waste disposal operations at a site by the applicant at the time any misconduct described in subsection 870.515(a) was committed.
- c) Pursuant to Section 39(a) of the Act, a person requesting certification has the burden of demonstrating that the person is entitled to the certification.

Section 870.520 Sanctions: This is a new section and reads:

- a) If a certificate is suspended it shall be considered void for a period of time not less than 30 days, but no more than one year. If a certificate expires during suspension the operator may not reapply for any certificate until the suspension period has elapsed. Experience obtained during this period shall not be credited towards meeting the requirement described in Subpart B. At the end of the suspension period the suspended certificate, if not expired, shall be considered valid.
- b) If a certificate is revoked it shall be considered void. If a certificate is revoked, the operator may not reapply for any certificate for a period of not less than six months but not more than three years. If an applicant seeks to obtain a certificate after the revocation period has elapsed, the applicant must comply with all requirements of Subparts B: Certificates, and D: Fees.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULE

Section 870.525 Appeal: This is a new section and reads:

Within 35 days after the receipt of the notice of sanction from the Director the operator may appeal the sanction to the Circuit Court of Sangamon County. The revocation or suspension of a certificate shall be stayed pending a final decision on the appeal.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and purpose of the rulemaking: The General Assembly found that to promote the safeguarding of public health and the environment, landfill sites need to have competent site operators whose practical working knowledge of the design, operation, and maintenance of landfill sites has been certified by the Illinois Environmental Protection Agency ("IEPA"). Consistent with these findings, the General Assembly enacted the Solid Waste Site Operator Certification Law. The objective of this rulemaking is to establish a program of certification consistent with the General Assembly's findings.

Subpart A (Sections 870.100-870.120) sets forth the purpose of, and definitions pertinent to, the proposed rules. Subpart B (Sections 870.200-870.245) establishes categories of available certificates and the requirements for obtaining those certificates as well as certificate renewal. Subpart C (Sections 870.300-870.325) provides rules of eligibility, procedure, and administration related to a written examination required for obtaining a certificate. Subpart D (Sections 870.400-870.405) sets forth the various fees associated with certification. Subpart E (Sections 870.500-870.525) includes the hearing procedure related to refusal, suspension, and revocation of a certificate.

16) Information and questions regarding this rule shall be directed to:

Charles J. Northrup
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-5544

The full text of the adopted rule begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER V: ENVIRONMENTAL PROTECTION AGENCY

PART 870

LANDFILL OPERATORS CERTIFICATION

SUBPART A: GENERAL

Section	Purpose
870.100	Applicability
870.105	Definitions
870.110	Disclaimer
870.115	Severability

SUBPART B: CERTIFICATES

Section	Categories of Certificates Available
870.200	Class A Certificate
870.210	Class A Certificate Special Waste Endorsement
870.215	Class B Certificate
870.220	Certificate Validity
870.225	Special Waste Endorsement Validity
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SUBPART C: EXAMINATIONS

Section	Requirement of Examination
870.300	Examination Location and Admission Tickets
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Section	Application Fee
870.400	Issuance and Renewal Fee

SUBPART E: SUSPENSION AND REVOCATION

Section	Investigation
870.500	Notice

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

870.510	Procedure
870.515	Grounds
870.520	Sanctions
870.525	Appeal

AUTHORITY: Implementing and authorized by the Solid Waste Site Operator Certification Law (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7851 et seq.).

SOURCE: Adopted at 16 Ill. Reg. 3096, effective February 14, 1992.

SUBPART A: GENERAL

Section 870.100 Purpose

This Part sets forth the procedures to be used by the Agency in administering a system for the certification and sanctioning, where necessary, of regulated operators at regulated facilities, as those terms are defined herein.

Section 870.105 Applicability

The rules of this Part shall be applicable to the operation of landfills permitted, or required to be permitted, by the Agency. The operation of a landfill shall be deemed to have ceased upon the issuance of a certificate of closure by the Agency in accordance with 35 Ill. Adm. Code 807.508 and 813.402.

Section 870.110 Definitions

For purposes of this Part the words and terms defined in this Section shall have the meanings given herein. Words and terms not defined shall have the meanings otherwise set forth in the Solid Waste Site Operator Certification Law and the Environmental Protection Act.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Certified Operator" means the person at a landfill who is normally present and accessible and has been certified pursuant to these regulations. A certified operator may be on the operational staff of not more than three landfills.

"Earth moving equipment" means motorized equipment designed to excavate, load, or transport earthen materials, not including road licensed trucks.

"Examination" means the test required to be taken by an applicant to become certified under the Solid Waste Site Operator Certification

Law.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well.

"Landfill operations" means those activities conducted at a landfill including, but not limited to, the acceptance, distribution, and cover of waste.

"Operational staff" means those persons at a landfill who direct, supervise, or participate in the acceptance, distribution, or cover of waste.

"Person" means a human being.

"Solid Waste Site Operator Law" means the Solid Waste Site Operator Certification Law (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7851 et seq.).

Section 870.115 Disclaimer

The Agency and the State of Illinois do not endorse or guarantee the quality of any work or conduct by an applicant who has been certified.

Section 870.120 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause thereof not judged invalid.

SUBPART B: CERTIFICATES

Section 870.200 Categories of Certificates Available

- a) Applicants shall be able to apply for certificates or certificate renewals in any of the following categories: Class A; Class A with a Special Waste Endorsement; or Class B. An applicant shall not be eligible for certification in one category if his or her current certificate in another category is currently suspended or revoked.
- b) Landfill sites which accept non-hazardous solid waste other than clean construction or demolition debris shall employ on their operational staffs at least one person who possesses a valid Class A Certificate.
- c) Landfill sites which accept special waste shall employ on their operational staffs at least one person who possesses a valid Class A Certificate with a Special Waste Endorsement.
- d) Landfill sites which accept only clean construction or demolition debris shall employ on their operational staffs at least one person

who possesses a valid Class A or B Certificate (Ill. Rev. Stat. 1990, Supp., ch. 111, par. 7854, Section 1004).

Section 870.210 Class A Certificate

- a) Any person who seeks a Class A Certificate shall pass a written examination as provided under Subpart C.
- b) Any person who seeks a Class A Certificate shall submit a complete application to the Agency accompanied by the fee required under Section 870.400 of this Part in which the applicant demonstrates the following:
 - 1) the applicant is at least 18 years of age;
 - 2) the applicant has not violated any of the provisions of the Solid Waste Site Operator Certification Law which could result in the refusal to issue, renew, or suspended for cause such certification;
 - 3) the applicant has either:
 - i) a high school diploma or its equivalent, and not less than 2 years of acceptable study, training, and responsible experience in sanitary landfill operation or management, or
 - ii) not less than 7 years of acceptable study, training, and responsible experience in operation or management of earth moving equipment; or
 - B) completed:
 - i) grammar school or its equivalent, and not less than 15 years of acceptable study, training, and responsible experience in sanitary landfill operation or management (Solid Waste Site Operator Law, Section 1007); and
- 4) the names, addresses, and phone numbers of no fewer than 3 references (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7858, Section 1008).
- c) When an applicant has indicated on the application that any of the grounds listed in Section 870.515(a) has occurred, the applicant shall provide with the application the following:
 - 1) A copy of any final administrative or judicial determination, made after opportunity for an adversarial proceeding, that the applicant has:
 - A) Violated federal, state or local laws, regulations or ordinances regarding the operation of any refuse disposal facility;
 - B) Been convicted in Illinois or another state of any crime which is a felony under Illinois law, or been convicted of a felony in a federal court;
 - C) Shown gross carelessness or incompetence in the handling, storing, processing, transporting or disposing of any hazardous waste in any state.
 - 2) A description, including the name of the agency or court, title,

ENVIRONMENTAL PROTECTION AGENCY
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docket number and status, of any administrative or judicial proceeding, which is still pending, which:

A) Could result in a determination against the applicant of the type described in subsection (c)(1) above; or

B) Could result in a reversal of any administrative or judicial determination provided by the applicant in response to subsection (c)(1) above.

d) Supporting information for use under subsection (b)(3) shall at a minimum describe the following:

1) the applicant's level of formal education including the date of graduation from high school or grammar school, or receipt of equivalent educational experience, and the name and address of the issuing institution;

2) the applicant's study, training, and experience in sanitary landfill operation or management including:

A) the name, address, and phone number of the employer under which the applicable study, training, or work experience was obtained; and

B) the name, address, and phone number of the institution at which the applicable study, training, or work experience was obtained.

e) For the purposes of subsection (b)(3) above, acceptable study and training may include, but is not limited to, the following:

1) college or university training programs or courses;

2) trade or professional association training programs or courses;

3) government training programs or courses;

4) review of relevant periodicals, trade journals, or other literature, or;

5) review of Illinois statutes and regulations relevant to the Class A Certificate.

f) For the purposes of subsection (b)(3) above, responsible experience may include, but is not limited to, the following:

1) employment at a landfill;

2) management of a landfill;

3) employment, including military service, involving the operation or management of earth moving equipment;

4) consulting activities related to the operation or management of a landfill.

Section 870.215 Class A Certificate Special Waste Endorsement

a) Any person who seeks a Special Waste Endorsement shall pass a written examination as provided under Subpart C.

b) Any person who seeks a Special Waste Endorsement shall demonstrate, on a form designated by the Agency, the following:

1) the applicant has been issued a Class A Certificate which has not been suspended or revoked, or otherwise become invalid; or

2) the applicant has submitted a complete application for the issuance of a Class A Certificate.

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c) A Special Waste Endorsement shall not be issued to the applicant until the applicant has been issued a Class A Certificate.

Section 870.220 Class B Certificate

a) Any person who seeks a Class B Certificate shall pass a written examination as provided under Subpart C.

b) Any person who seeks a Class B Certificate shall submit a complete application to the Agency accompanied by the fee required under Section 870.400 of this Part in which the applicant demonstrates the following:

1) the applicant is at least 18 years of age;

2) the applicant has not violated any of the provisions of the Solid Waste Site Operator Certification Law which could result in the refusal to issue, renew or suspend for cause such certification;

3) the applicant has either:

A) a high school diploma or its equivalent, and

i) not less than 6 months of acceptable study, training, and responsible experience in sanitary landfill operation or management, or

ii) not less than 3 years of acceptable study, training and responsible experience in operation or management of earth moving equipment; or

B) completed:

i) grammar school or its equivalent, and

ii) not less than 5 years of acceptable study, training, and responsible experience in sanitary landfill operation or management (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7857, Section 1007).

4) the names, addresses, and phone numbers of no fewer than 3 references (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7858, Section 1008).

c) When an applicant has indicated on the application that any of the grounds listed in Section 870.515(a) has occurred, the applicant shall provide with the application the following:

1) A copy of any final administrative or judicial determination, made after opportunity for an adversarial proceeding, that the applicant has:

A) Violated federal, state or local laws, regulations or ordinances regarding the operation of any refuse disposal facility;

B) Been convicted in Illinois or another state of any crime which is a felony under Illinois law, or been convicted of a felony in a federal court;

C) Shown gross carelessness or incompetence in the handling, storing, processing, transporting or disposing of any hazardous waste in any state.

2) A description, including the name of the agency or court, title, docket number and status, of any administrative or judicial

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proceeding, which is still pending, which:

- A) Could result in a determination against the applicant of the type described in subsection (c)(1) above; or
- B) Could result in a reversal of any administrative or judicial determination provided by the applicant in response to subsection (c)(1) above.

- d) Supporting information for use under Section (b)(3) above shall at a minimum describe the following:
 - 1) the applicant's level of formal education including the date of graduation from high school or grammar school, or receipt of equivalent educational experience, and the name and address of the issuing institution;
 - 2) the applicant's study, training, and experience in sanitary landfill operation or management including:
 - A) the name, address, and phone number of the employer under which the applicable study, training, or work experience was obtained; and
 - B) the name, address, and phone number of the institution at which the applicable study, training, or work experience was obtained.

- e) For the purposes of subsection (b)(3) above, acceptable study and training may include, but is not limited to, the following:
 - 1) college or university training programs or courses;
 - 2) trade or professional association training programs or courses;
 - 3) government training programs or courses;
 - 4) review of relevant periodicals, trade journals, or other literature; or
 - 5) review of Illinois statutes and regulations relevant to the Class B Certificate.

- f) For the purposes of subsection (b)(3) above, responsible experience may include, but is not limited to, the following:
 - 1) employment at a landfill;
 - 2) management of a landfill;
 - 3) employment, including military service, involving the operation or management of earth moving equipment;
 - 4) consulting activities related to the operation or management of a landfill.

Section 870.225 Certificate Validity

Any certificate issued under this Part shall be valid for a period of 3 years, with the expiration date being 3 years from the first day of October of the calendar year in which the certificate is issued (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7860, Section 1010).

Section 870.230 Special Waste Endorsement Validity

- a) A Special Waste Endorsement issued under this Part shall expire on the date the accompanying Class A Certificate expires.

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- b) An applicant who passes the Special Waste Endorsement examination, but fails the accompanying Class A examination, is not required to retake the Special Waste Endorsement examination if the applicant passes a subsequent Class A examination within six months after passing the Special Waste Endorsement examination.

Section 870.235 Certificate Renewal

- a) Any person who seeks renewal of any certificate or Special Waste Endorsement issued under this Part shall pass a written examination as provided under Subpart C.

- b) Any person who seeks renewal of any certificate or Special Waste Endorsement issued under this Part shall submit a complete renewal application to the Agency not less than 90 days before expiration of the currently effective certificate or Special Waste Endorsement which demonstrates the following:
 - 1) the applicant has not violated any of the provisions of the Solid Waste Site Operator Certification Law which could result in the refusal to issue or renew for cause;
 - 2) the applicant has not had a certificate or Special Waste Endorsement issued under this Part which has been suspended or revoked under Subpart D; and
 - 3) the applicant has paid any fees required for the renewal of any certificate or Special Waste Endorsement.

Section 870.240 Emergency Certification

- a) Whenever a certified operator begins or terminates employment with a landfill, the certified operator and the landfill owner shall notify the Training and Certification Unit, Division of Land Pollution Control, of the Agency in writing within seven days.

- b) Should the certified operator(s) at a landfill unexpectedly terminate employment due to death, illness, or otherwise, or for whatever reason becomes incapable of directing landfill operations or supervising other operational staff in performing landfill operations, the landfill owner shall be allowed 90 days to obtain a properly certified operator pursuant to the procedures specified under Subpart B. During the 90 day period the landfill may continue operations.

- c) During the 90 day period that a landfill may continue operations without a certified operator, the landfill owner may sponsor an individual to become certified. A landfill owner sponsors an individual by informing the Training and Certification Unit, Division of Land Pollution Control, of the Agency in writing that the landfill is operating without a certified operator and that the sponsored individual will, if certified, be employed at the landfill. An applicant so sponsored may, after submitting to the Training and Certification Unit a complete application and appropriate fees, request to take a certification examination on an expedited basis.

- d) If the Agency receives a request to take an expedited examination, and

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has received a complete application and appropriate fees on or before the 60th day of the 90 day period that a landfill may continue operations without a certified operator, the Agency shall administer an examination to the applicant. The Agency may administer additional exams subject to available Agency time and resources.

- e) All expedited examinations shall be held in Springfield, Illinois.

Section 870.245 Certification

Any person signing an application submitted under this Subpart B shall make the following certification:

I certify that the information submitted in this application or document and all attachments is, to the best of my knowledge and belief, true and accurate and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SUBPART C: EXAMINATIONS

Section 870.300 Requirement of Examination

- a) The Agency shall not issue any certificate or Special Waste Endorsement contemplated by this Part unless the applicant has passed a written standardized examination in accordance with this Subpart.
- b) A score of 70% correct constitutes a passing score for the standardized examination.
- c) A complete application shall remain effective for three years from the date of filing or until the person has taken and failed the exam three times, whichever comes first. An applicant whose previously submitted application is no longer effective must submit a new application meeting the requirements of Subpart B accompanied by the fees required under Section 870.400.
- d) An applicant who has failed the exam three times within a period of three years shall not be eligible to take the exam again for a period of no less than one year from the date of notice of the last failure. The applicant shall demonstrate that during the one year period additional training, study, or experience has been acquired.

Section 870.305 Examination Location and Admission Tickets

- a) The certification examination shall be held at various locations including the Chicago Metropolitan area, the Collinsville area and Springfield, Illinois.
- b) Information about specific test locations will be available upon request from the Training and Certification Unit, Division of Land Pollution Control, of the Agency. The examination admission ticket sent to an applicant shall specify the correct location for that applicant.

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- c) In the application for a certificate or Special Waste Endorsement the applicant shall designate a preferred location, among those identified by the Agency, for taking the examination.
- d) The Agency shall not issue an examination admission ticket to an applicant until it has received the application fee provided under Section 870.400 of this Part from the applicant.

Section 870.310 Examination Dates and Frequency

Examinations will be held four times every year. Information about authorized test dates will be available upon request from the Training and Certification Unit, Division of Land Pollution Control, of the Agency.

Section 870.315 Notice of Examination Locations and Dates

The Agency will provide each applicant with notice of the specific location and date of examination, no less than fourteen days before the scheduled examination date. Notice shall be given by means of the admission ticket sent to the applicant at the mailing address indicated on the application. Each applicant shall have the admission ticket, along with picture identification, available for review by Agency proctors on the date of the examination. Admission to the examination shall be denied if an applicant fails to produce, upon request by Agency proctors, an admission ticket and photo identification.

Section 870.320 Examination Administration

At all examination locations authorized by the Agency, proctors designated by the Agency shall administer and supervise the conduct of examinations, and collect examination answer sheets and test forms after completion of an examination. The Agency shall not allow examinees to keep copies of the test or test materials.

Section 870.325 Examination Subjects

The Training and Certification Unit, Division of Land Pollution Control, of the Agency shall provide, upon request, a listing of the curriculum which examinees can expect to be examined. The Agency may revise the examination curriculum to provide for additional or different topics which may be required for the testing of a specific certificate.

SUBPART D: FEES

Section 870.400 Application Fee

Applicants for any certificate or Special Waste Endorsement, or the renewal of any certificate or Special Waste Endorsement, shall submit a \$100.00 application fee with the application. Any person who seeks a Special Waste Endorsement concurrent with the submittal of an application for a Class A Certificate shall not be required to pay two application fees.

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Section 870.405 Issuance and Renewal Fee

- a) Following submission of a complete application an applicant shall pay the following fees prior to the issuance or renewal of a certificate or Special Waste Endorsement:
 - 1) \$400 for the issuance or renewal of a Class A Certificate;
 - 2) \$100 for the issuance or renewal of a Special Waste Endorsement;
 - 3) \$200 for the issuance or renewal of a Class B Certificate.
- b) The Agency shall impose an additional \$50 fee for the failure of a Solid Waste Site Operator to submit a renewal fee prior to November 1, following a certificate's expiration.
- c) The fees required under this Section shall be non-refundable.

SUBPART E: SUSPENSION AND REVOCATION

Section 870.500 Investigation

The Agency may refuse to issue, or seek the suspension or revocation of, any certificate or Special Waste Endorsement established under Subpart B of this Part. The Agency may, upon its own motion or upon the written complaint of any person setting forth charges which, if proven, would constitute grounds for the refusal to issue, suspension or revocation as provided by the Solid Waste Site Operator Law, investigate the actions of any person applying for or holding a certificate or Special Waste Endorsement.

Section 870.505 Notice

The Agency shall, at least 28 days prior to issuing a Notice of Contested Case Hearing as provided for at 35 Ill. Adm. Code Part 168, notify the applicant or certificate or Special Waste Endorsement holder in writing of the nature of the charges made and shall afford the applicant or holder an opportunity to be heard in person or by counsel.

Section 870.510 Procedure

When the Agency refuses to issue, or seeks the suspension or revocation of, any certificate or Special Waste Endorsement, the procedures set forth at 35 Ill. Adm. Code 168 shall apply.

Section 870.515 Grounds

- a) The Agency may suspend, revoke, or refuse to issue any certificate or Special Waste Endorsement for any one or any combination of the following causes:
 - 1) The practice of any fraud or deceit in obtaining or attempting to obtain a certificate of competency;
 - 2) Negligence or misconduct in the operation of a sanitary landfill;
 - 3) Repeated failure to comply with any of the requirements applicable to the operation of a sanitary landfill, except for

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- board requirements applicable to the collection of litter;
- 4) Repeated violations of federal, state or local laws, regulations, standards, or ordinances regarding the operation of refuse disposal facilities or sites;
- 5) Conviction in this or another state of any crime which is a felony under the laws of this state or conviction of a felony in a federal court;
- 6) Proof of gross carelessness or incompetence in handling, storing, processing, transporting, or disposing of any hazardous waste; or
- 7) Being declared to be a person under a legal disability by a court of competent jurisdiction and not thereafter having been lawfully declared to be a person not under legal disability or to have recovered. (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 7856, Section 1006).

- b) The Agency may, in its discretion, issue or refuse to suspend or revoke a certificate or Special Waste Endorsement notwithstanding the applicability of any of the factors set forth in Section 870.515(a) if mitigating factors exist such that certification should be issued. Mitigating factors include, but are not limited to, the following:
 - 1) The severity of the misconduct;
 - 2) How recently the misconduct took place; or
 - 3) The degree of control exerted over waste disposal operations at a site by the applicant at the time any misconduct described in subsection 870.515(a) was committed.

- c) Pursuant to Section 39(a) of the Act, a person requesting certification has the burden of demonstrating that the person is entitled to the certification.

Section 870.520 Sanctions

- a) If a certificate is suspended it shall be considered void for a period of time not less than 30 days, but no more than one year. If a certificate expires during suspension the operator may not reapply for any certificate until the suspension period has elapsed. Experience obtained during this period shall not be credited towards meeting the requirement described in Subpart B. At the end of the suspension period the suspended certificate, if not expired, shall be considered valid.
- b) If a certificate is revoked it shall be considered void. If a certificate is revoked, the operator may not reapply for any certificate for a period of not less than six months but not more than three years. If an applicant seeks to obtain a certificate after the revocation period has elapsed, the applicant must comply with all requirements of Subparts B: Certificates, and D: Fees.

Section 870.525 Appeal

Within 35 days after the receipt of the notice of sanction from the Director the operator may appeal the sanction to the Circuit Court of Sangamon County.

ENVIRONMENTAL PROTECTION AGENCY

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The revocation or suspension of a certificate shall be stayed pending a final decision on the appeal.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Management of Used and Waste Tires

2) Code Citation: 35 Ill. Adm. Code 848

3) Section Number: Adopted Action:

848.101	Amendment
848.202	Amendment
848.205	Amendment
848.206	New Section
848.207	New Section
848.208	New Section

4) Statutory Authority: Sections 27 and 55.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1027 and 1055.2.

5) Effective Date of Amendments: February 14, 1992

6) Does this rulemaking contain an automatic repeal date?: No.

7) Does this amendment contain incorporations by reference?

Yes. Section 848.206 incorporates a rule of an agency of the United States.

8) Date Filed in Agency's Principal Office: February 6, 1992.

9) Notice(s) of Proposal Published in Illinois Register: 15 Ill. Reg. 13004 (September 6, 1991).

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?

No.

11) Difference(s) between proposal and final version:

A complete description of the differences between the proposal and the final version appears in the Board's Opinion and Order in R90-9B dated February 6, 1992, available from the address listed below.

Primarily, additional relief from the Part's management standards were granted to certain new and small tire retreading, tire die-cutting and tire stamping facilities in subsections 848.206 and 207 of the rules.

POLLUTION CONTROL BOARD

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12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule(s):

A complete description is contained in the Board's Opinion of February 6, 1992 in 90-9(B), which Opinion is available from the address below.

This rulemaking concerns the management of used and waste tires. These rules seek to implement the requirements of Public Act 86-452 which required the Illinois Environmental Protection Agency to propose regulations to the Board which prescribe standards for the storage, disposal, processing and transportation of used and waste tires.

This docket makes certain clarifying changes, and exemptions from the regulations adopted April 26, 1990 in 90-9(A). The adopted rules provide relief from certain tire management standards for small and new businesses.

16) Information and questions regarding this adopted amendment shall be directed to:

Mark P. Miller
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801
217/ 333-5575

The full text of the adopted amendments begins on the following page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER m: USED AND WASTE TIRES

PART 848

MANAGEMENT OF USED AND WASTE TIRES

SUBPART A: GENERAL

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848.102
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848.105

Applicability
Severability
Other Regulations
Definitions
Incorporation by Reference

SUBPART B: MANAGEMENT STANDARDS

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848.208

Applicability
Requirements
Contingency Plan
Storage of Used and Waste Tires Within Buildings
Pesticide Treatment
Exemptions for Tire Retreading Facilities
Exemptions for Tire Stamping and Die Cutting Facilities
Exemptions for Sites With a Tire Removal Agreement

SUBPART C: RECORDKEEPING AND REPORTING

Section
848.301
848.302
848.303
848.304
848.305
848.306

Applicability
Records
Daily Tire Record
Annual Tire Summary
Retention of Records
Certification

SUBPART D: FINANCIAL ASSURANCE

Section
848.400
848.401
848.402
848.403
848.404
848.406
848.407

Scope and Applicability
Upgrading Financial Assurance
Release of Financial Institution
Application of Proceeds and Appeal
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848.407 Use of Multiple Financial Mechanisms
848.408 Use of a Financial Mechanism for Multiple Sites
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848.601 Tire Transportation Prohibitions
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AUTHORITY: Implementing Section 55.2 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1055.2 and 1027).

SOURCE: Adopted in R90-9(A), at 15 Ill. Reg. 7959, effective May 10, 1991; amended in R90-9(B) at 16 Ill. Reg. 3114, effective February 14, 1992

SUBPART A: GENERAL

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Section 848.101 Applicability

Section 55 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1055) sets forth prohibitions relative to the storage, processing, disposal and transportation of used and waste tires. This Part sets forth rules establishing further requirements relative to the storage, processing, disposal and transportation of used and waste tires.

~~This Part shall not apply to any site at which tires are retreaded if the owner or operator of such a site holds a valid registration as a tire retreader pursuant to 49 CFR 571.117 and 49 CFR 574 (incorporated by reference at Section 848.105) and complies with 35 Ill. Adm. Code 849. This Part does not apply to:~~

a) Altered tires which have been chopped, shredded or processed, such that the individual dimensions of height, length and width of the tire product are two inches or less (an industry standard known as "two inch minus");

b) Converted, new or reprocessed tires; or

c) Reused tires which have been altered to prevent the accumulation of water.

(Source: Amended at 16 Ill. Reg. 3114, effective February 14, 1992

SUBPART B: MANAGEMENT STANDARDS

Section 848.202 Requirements

a) Unless exempted by Section 848.201, owners and operators of tire storage sites and tire disposal sites shall meet the requirements of this Section. These requirements shall apply to all used or waste tires located at the site, including altered tires, converted tires and reprocessed tires.

b) At sites at which more than 50 used or waste tires are located the owner or operator shall comply with the following requirements:

- 1) Used or waste tires shall not be placed on or accumulated in any pile outside of any building unless the pile is separated from all other piles by no less than 25 feet and aisle space is maintained to allow the unobstructed movement of personnel and equipment.

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- 2) Used or waste tires shall not be accumulated in any area located outside of any building unless the accumulation is separated from all buildings, whether on or off the site, by no less than 25 feet.
 - 3) Used or waste tires shall not be placed on or accumulated in any pile unless the pile is separated from all potential ignition sources, including cutting and welding devices, and open fires, by not less than 250 feet or all such activities are carried out within a building.
 - 4) Used or waste tires shall be drained of water on the day of generation or receipt.
 - 5) Used or waste tires received at the site shall not be stored unless within 14 days after the receipt of any used tire the used tire is altered, reprocessed, converted, covered or otherwise prevented from accumulating water. All used and waste tires received at the site before June 1, 1989, shall be altered, reprocessed, converted, covered or otherwise prevented from accumulating water by January 1, 1992.
 - 6) USED OR WASTE TIRES SHALL NOT BE ABANDONED, DUMPED OR DISPOSED ON PRIVATE OR PUBLIC PROPERTY IN ILLINOIS, EXCEPT IN A LANDFILL PERMITTED BY THE AGENCY PURSUANT TO 35 ILL. ADM. CODE ~~PART-807 OF 811~~ (Section 55(a)(5) of the Act)
 - 7) Used or waste tires shall not be accepted from a vehicle in which more than 20 tires are loaded unless the vehicle displays a placard issued by the Agency under ~~Section-848+~~ Subpart F.
 - 8) Tires shall not be accumulated in an area if the grade of the ground surface exceeds two percent slope unless the requirements of subsection (d)(3) ~~of this Section~~ are met.
- c) In addition to the requirements set forth in subsection (b), the owner or operator shall comply with the following requirements at sites at which more than 500 used or waste tires are located.
- 1) A contingency plan which meets the requirements of Section 848.203 shall be maintained.

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- 2) The recordkeeping and reporting requirements of Subpart C shall be met.
- 3) Used or waste tires shall not be placed on or accumulated in any pile unless the pile is separated from grass, weeds, brush, over-hanging tree limbs and similar vegetative growth by no less than 50 feet.
- 4) Used or waste tires shall not be placed on or accumulated in any tire storage unit unless the unit is no more than 20 feet high by 250 feet wide by 250 feet long. In determining the width or length of any tire storage unit, the aisle space between any piles within the unit shall be included.
- 5) Used or waste tires shall not be placed or accumulated in any tire storage unit unless one of the following requirements is met:
 - A) The tire storage unit is separated from all buildings, whether located on or off the site, and all other tire storage units by an earthen berm that is no less than 1.5 times the maximum height of any tire pile within the storage unit; or
 - B) The tire storage unit is separated from all buildings, whether located on or off the site, and all other tire storage units by a separation distance that is not less than the distance identified by the following:

Required Separation Distances
From Tire Storage Units (in feet)

Unit Face Dimensions (feet)	Tire Storage Unit Height (in-feet)				
	8	12	16	20	25
50	56	67	77	85	
100	75	93	107	118	
150	100	128	146	164	
200	117	149	178	198	
250	130	167	198	226	
	140	181	216	245	

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- d) In addition to the requirements set forth in subsections (b) and (c) of this section, the owner or operator shall comply with the following requirements at sites at which more than 10,000 used or waste tires are located.
- 1) The area of the site where used or waste tires are stored shall be completely surrounded by fencing in good repair which is not less than 6 feet in height.
 - 2) Entrance to the area where used or waste tires are located shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.
 - 3) The area of the site where used or waste tires are stored shall be completely surrounded by an earthen berm or other structure not less than 2 feet in height except that the owner or operator shall provide a means for access through or over the berm or other structure, and capable of containing runoff resulting from tire fires, and accessible by fire fighting equipment; except that the owner or operator shall provide a means for access through or over the berm or other structure.
- (Source: Amended at 16 Ill. Reg. 3114, effective February 14, 1992)
- Section 848.205
- Exemptions for Tire Retreading Facilities
- a) Existing sites. Sites which meet all of the conditions of subsection (a)(1) are exempt as set out in subsection (a)(2).
- 1) Conditions for exemption.
 - A) Registration. The site was operated by a tire retreader who, as of January 1, 1992, held a valid registration with the U.S. Department of Transportation as a tire retreader under 49 CFR 571.117 and 574. (October 1, 1990). This incorporation includes no later amendments or editions.
 - B) Number of Tires. The facility contains no more than 100,000 whole used or waste tires.
 - C) Equipment. The retreader:
 - i) Has equipment at the site which is capable of retreading at least 500 tires per day when operated in accordance with the equipment manufacturer's specifications; and
 - ii) Maintains documentation at the site

Illinois Department of Agriculture
Bureau of Plant & Apiary Protection
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281

(Source: Amended at 16 Ill. Reg. 3114, effective February 14, 1992)

Section 848.206 Exemptions for Tire Retreading Facilities

- a) Existing sites. Sites which meet all of the conditions of subsection (a)(1) are exempt as set out in subsection (a)(2).

1) Conditions for exemption.

(Source: Amended at 16 Ill. Reg. 3114, effective February 14, 1992)

Section 848.205 Pesticide Treatment

Owners or operators of tire storage sites or tire disposal sites treating used or waste tires with pesticides pursuant to Section 848.203 this Part or Title XIV of the Act shall meet the following requirements:

- a) Use a pesticide labelled for control of mosquito larvae unless an adult mosquito problem is identified.
- ab) Maintain a record of pesticide use at the site. Such a record shall include the following information for each application:
 - 1) Date of pesticide application;
 - 2) Number of used or waste tires treated;

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which demonstrates that an average of 500 or more tires per day of operation were retreaded at the site during the previous calendar year.

- D) Segregation. The owner or operator of the site segregates tires intended to be retreaded from those tires determined to be unsuitable for retreading.

2) Scope of Exemption.

A) The following Sections do not apply:

- i) Pile separation distances specified at Sections 848.202(b)(1) and (2);

- ii) The storage limitations on whole tires specified at subsection 848.202(b)(5);

- iii) Tire storage unit requirements of Sections 848.202(c)(4) and (5); and

- iv) The earthen berm requirement of Section 848.202(d)(3).

- B) The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's tire production as shown by documentation maintained at the site.

- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:

- A) Within 90 days of the effective date of these regulations develop and implement a tire storage plan to minimize the threats of fire and mosquito breeding. Such a plan shall include, but is not limited to, tire storage arrangements, aisle space, access to fire fighting personnel and equipment and mosquito inspection and control.

- B) Request and submit to the Agency a statement from the Illinois Department of Public Health that the program developed under subsection

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(a)(3)(A) is adequate to control mosquito larvae and pupae; except that, if the Department has not sent a statement within 45 days of receipt of the request, such statement need not be submitted and the Agency shall make such a determination. The owner or operator has the burden of demonstrating that the threat of mosquito breeding has been minimized. Requests for such statements of determination shall be sent to:

Division of Environmental Health
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson Street
Springfield, Illinois 62761

- b) New sites. Sites which meet all of the conditions of subsection (b)(1) are exempt as set out in subsection (b)(2).

1) Conditions for exemption.

- A) Registration. The site is operated by a tire retreader who, since January 1, 1992, first obtained a valid registration with the U.S. Department of Transportation as a tire retreader under 49 CFR 571.117 and 574 (October 1, 1990). This incorporation includes no later amendments or editions.

- B) Equipment. The retreader:

- i) Has equipment at the site which is capable of retreading at least 500 tires per day when operated in accordance with the equipment manufacturer's specifications; and

- ii) Maintains documentation at the site which demonstrates that an average of 500 or more tires per operating day were retreaded at the site during the previous calendar year. However, an owner or operator who does not have a calendar year in operation may use estimated production for the first two months, and average monthly production

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thereafter, until a calendar year of data is available.

- C) Segregation. The owner or operator of the site segregates tires intended to be retreaded from those tires determined to be unsuitable for retreading.

2) Scope of Exemption.

- A) The storage limitation for whole tires specified at Section 848.202(b)(5) does not apply.
- B) The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's production as shown by documentation maintained at the site. The owner or operator may exclude one fourth of the estimated first 12 months production during the first year of operation.

- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:

- A) Within 90 days of the effective date of these regulations develop and implement a tire storage plan to minimize the threat of mosquito breeding. Such a plan shall include, but is not limited to, mosquito inspection and control.

- B) Request and submit to the Agency a statement from the Illinois Department of Public Health that the program developed under subsection (b)(3)(A) is adequate to control mosquito larvae and pupae; except that, if the Department has not sent a statement within 45 days of the request, such statement need not be submitted and the Agency shall make such a determination. The owner or operator has the burden of demonstrating that the threat of mosquito breeding has been minimized. Requests for such statements of determination shall be sent to:

Division of Environmental Health

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Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson Street
Springfield, Illinois 62761

- c) Small sites. Sites which meet the conditions of subsection (c)(1) are exempt as set out in subsection (c)(2).

1) Conditions for exemption.

- A) Number of tires. The facility contains no more than 500 whole used or waste tires.
- B) Registration. The site is operated by a tire retreader who holds a valid registration with the U.S. Department of Transportation as a tire retreader under 49 CFR 571.177 and 574 (October 1, 1990). This incorporation includes no later amendments or editions.

C) Equipment. The retreader:

- i) Has equipment at the site which is capable of retreading at least 20 tires per day when operated in accordance with equipment manufacturer's specifications; and
- ii) Maintains documentation at the site which demonstrates that an average of 20 tires per day were retreaded at the site during the previous calendar year. However, an owner or operator who does not have a calendar year in operation may use estimated production for the first two months, and average monthly production thereafter, until a calendar year of data is available.

2) Scope of exemption. The following do not apply:

- A) The pile separation distances specified at Section 848.202(b)(1) and (2); and
- B) The tire storage limitation of Section 848.202(b)(5).

- 3) Alternate Management Standards. As a part of the

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contingency plan requirements of Section 848.203 the owner or operator shall:

A) Within 90 days after the effective date of these regulations develop and implement a tire storage plan to minimize the threats of fire and mosquito breeding. Such a plan shall include, but is not limited to, tire storage arrangements, aisle space, access to fire fighting personnel and equipment and mosquito inspection and control.

B) Request and submit to the Agency a statement from the Illinois Department of Public Health that the program developed under subsection (c)(3)(A) is adequate to control mosquito larvae and pupae; except that, if the Department has not sent a statement within 45 days of receipt of the request, such statement need not be submitted and the Agency shall make such a determination. The owner or operator has the burden of demonstrating that the threat of mosquito breeding has been minimized. Requests for such statements of determination shall be sent to:

Division of Environmental Health
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson Street
Springfield, Illinois 62761

(Source: Added at 16 Ill. Reg. 3114, effective February 14, 1992
Section 848.207 Exemptions for Tire Stamping and Die Cutting Facilities)

a) Existing Sites. Sites which meet all of the conditions of subsection (a)(1) are exempt as set out in subsection (a)(2).

1) Conditions for exemption.

A) Operation. The site was in operation as a tire stamping and die cutting facility on or before January 1, 1992.

B) Number of tires. The facility contains no

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more than 20,000 whole used or waste tires.

C) Equipment. The stamping and die cutting facility has equipment at the site which is capable of stamping and die cutting at least 50 tires per day when operated in accordance with the equipment manufacturer's specifications; and

D) Documentation. The stamping and die cutting facility maintains documentation at the site which demonstrates that an average of 50 or more tires per operating day were processed at the site during the previous calendar year. However, an owner or operator who does not have a calendar year in operation may use estimated production for the first two months, and average monthly production thereafter, until a calendar year of data is available.

E) Segregation. The owner or operator of the site segregates tires intended to be stamped or die cut from those tires determined to be unsuitable for stamping or die cutting.

2) Scope of exemption.

A) The following Sections do not apply:

i) Pile separation distances specified at Sections 848.202(b)(1) and (2);

ii) The storage limitations on whole tires specified at subsection 848.202(b)(5);

iii) Tire storage unit requirements of Sections 848.202(c)(4) and (5); and

iv) The earthen berm requirement of Section 848.202(d)(3).

B) The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's tire production as shown by documentation maintained at the site.

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- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:

A) Within 90 days of the effective date of these regulations develop and implement a tire storage plan to minimize the threats of fire and mosquito breeding. Such a plan shall include, but is not be limited to, tire storage arrangements, aisle space, access to fire fighting personnel and equipment and mosquito inspection and control.

B) Request and submit to the Agency a statement from the Illinois Department of Public Health that the program developed under subsection (a)(3)(A) is adequate to control mosquito larvae and pupae; except that, if the Department has not sent a statement within 45 days of receipt of the request, such statement need not be submitted and the Agency shall make such a determination. The owner or operator has the burden of demonstrating that the threat of mosquito breeding has been minimized. Requests for such statements of determination shall be sent to:

Division of Environmental Health
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson Street
Springfield, Illinois 62761

- b) New sites. Sites which meet all of the conditions of subsection (b)(1) are exempt as set out in subsection (b)(2).

1) Conditions for exemption.

- A) Operation. The site was not in operation as a tire stamping and die cutting facility on or before January 1, 1992.
- B) Equipment. The stamping and die cutting facility has equipment at the site which is capable of stamping and die cutting at least 50 tires per day when operated in accordance with the equipment manufacturer's

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specifications; and

C) Documentation. The stamping and die cutting facility maintains documentation at the site which demonstrates that an average of 50 or more tires per operating day were processed at the site during the previous calendar year. However, an owner or operator who does not have a calendar year in operation may use estimated production for the first two months, and average monthly production thereafter, until a calendar year of data is available.

D) Segregation. The owner or operator of the site segregates tires intended to be stamped or die cut from those tires determined to be unsuitable for stamping or die cutting.

2) Scope of exemption.

- A) The storage limitation for whole tires specified at Section 848.202(b)(5) does not apply.
- B) The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's production as shown by documentation maintained at the site. The owner or operator may use the estimated first 12 months production during the first year of operation.

- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:

A) Within 90 days of the effective date of these regulations develop and implement a tire storage plan to minimize the threat of mosquito breeding. Such a plan shall include, but is not limited to, mosquito inspection and control.

B) Request and submit to the Agency a statement from the Illinois Department of Public Health that the program developed under subsection (b)(3)(A) is adequate to control mosquito

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larvae and pupae; except that, if the Department has not sent a statement within 45 days of receipt of the request, such statement need not be submitted and the Agency shall make such a determination. The owner or operator has the burden of demonstrating that the threat of mosquito breeding has been minimized. Requests for such statements of determination shall be sent to:

Division of Environmental Health
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson Street
Springfield, Illinois 62761

(Source: Added at 16 Ill. Reg. 3114, effective February 14, 1992
Section 848.208 Exemptions for Sites with a Tire Removal Agreement

Owners and operators of tire disposal sites are exempt from the financial assurance requirements of Subpart D as to that site where written approval of a tire removal agreement has been obtained from the Agency under Subpart E.

(Source: Added at 16 Ill. Reg. 3114, effective February 14, 1992

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- 1) The Heading of the Part: Organic Material Emissions Standards and Limitations
- 2) The Code Citation: 35 Ill. Adm. Code 215
- 3) Section Number: Adopted Action:
215.215 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, par. 1027
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 18, 1992
- 6) Does this rulemaking contain an automatic repeal date?
Yes
If so, please specify date: January 1, 2000
- 7) Does this rule (amendment, repealer) contain incorporation by reference? No
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No approval from JCAR was necessary as all the incorporation are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: February 6, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: 15 Ill. Reg. 11059, August 2, 1991
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following:
No
A) Statement of Objection: _____, Ill. Reg. _____
B) Agency Response: _____, Ill. Reg. _____
C) Date Agency Response Submitted for Approval to JCAR: _____
- 11) Difference(s) between proposal and final version: The first paragraph in Section 215.215 was amended to make clear that the rule applies only to the dip tank and bake oven. In

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addition Section 215.215 was amended to allow 180 days after successful testing of a compliant paint to achieve compliance.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers: 215.108
Proposed Action: new
Ill. Reg. Citation: 15 Ill. Reg. 6414
May 3, 1991

- 15) Summary and Purpose of Rule(s): This rulemaking will provide a site-specific volatile organic materials emissions level for the DMI, Inc., Goodfield, Illinois plant. The specific level for emissions from DMI's paint deck operations will be a daily average of 3.5 lb/gal for the spray coat application, 4.2 lb/gal for the dip top coat application, and a rolling 30-day average of 61 lb/day for the dip tank make-up solvent addition. In addition, the rulemaking will require DMI to continue to search for a paint to use in its paint deck operations which would comply with the rule of general applicability.

- 16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

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215.105	Afterburners
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SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

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215.208	Testing Methods for Volatile Organic Material Content
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Appendix A Rule into Section Table

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 Appendix D List of Chemicals

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AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1022 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 13, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14,

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1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132; effective February 18, 1992.

SUBPART F: COATING OPERATIONS

Section 215.215 DMI Emissions Limitations

Notwithstanding the limitation of Section 215.204(j)(3), the DMI, Inc., Goodfield, Illinois plant shall not cause or permit the emission of volatile organic material from its existing dip tank and bake oven as part of the paint deck operations, to exceed a daily average of 4.2 lb/gal in the dip top coat application tank, and a 30-day rolling-average of 61 lb/day for the dip tank make-up solvent addition; DMI, Inc. shall fulfill all of the following conditions:

- (a) DMI, Inc. shall contact at least three (3) paint vendors each year in a continuing search for a compliant coating that it can successfully use in its existing paint deck operations, including any paint vendors suggested by the Agency in a writing delivered to DMI, Inc. by certified mail;
- (b) If any vendor provides DMI, Inc. with laboratory test results which demonstrate that DMI, Inc. may be able to use the vendor's paint in its existing paint deck operations as a substitute for the existing paint, DMI, Inc. will conduct production tests of that paint;
- (c) DMI, Inc. will submit a report to the Agency by March 1 of each year that includes a summary of its efforts during the preceding calendar year, as those efforts relate to DMI, Inc.'s compliance with the foregoing conditions contained in subsections (a) and (b), above;
- (d) If DMI, Inc. locates a compliant paint that it can successfully use in its existing paint deck operations, and the net annual expense of using the compliant paint is not more than ten percent (10%) greater than the then current net annual expense incurred in the existing

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painting process, DMI, Inc. shall convert its present paint deck operations to the use of that paint within 180 days after the final successful testing of such a paint; and

- (e) This Section shall expire within 180 days after final successful testing of a compliant paint in accordance with subsection (d) above, or on January 1, 2000, whichever is earlier, at which time DMI, Inc. shall comply with the provisions that generally apply to VOC emissions.

(Source: Added at 16 Ill. Reg. 3132; effective February 18, 1992)

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1) Heading of the Part: Illinois Architecture Practice Act of 19892) Code Citation: 68 Ill. Adm. Code 11503) Section Numbers: Adopted Action:

1150.20	Amendment
1150.30	Amendment
1150.40	Amendment
1150.50	Amendment
1150.60	Amendment
1150.65	New Section
1150.70	Amendment
1150.80	Amendment
1150.90	Amendment
1150.100	Amendment
1150.110	Amendment
1150.Illustration A	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111, pars. 1301, 1308, 1310-1313, 1315-1318, 1321, 1322, 1331, 1340.5) Effective Date of Amendments: February 14, 19926) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: February 10, 19929) Date Notice of Proposal Published in Illinois Register: February 15, 1991, at 15 Ill. Reg. 249210) Has ICAR issued a Statement of Objections to these amendments? No11) Difference(s) between proposal and final version:

At the request of the Illinois Architecture Licensing Board, language was added to Section 1150.90(e)(1) to provide that in the event of the death or incapacity of the architect, a subsequent architect may utilize the drawings, specifications, reports or other professional work produced by the deceased or incapacitated architect after independent review in order to complete the project.

The following change was made in response to comments and suggestions of the Joint Committee on Administrative Rules:

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In Section 1150.80(a)(1)(C), "(s)" was added after "member", "architect" and "agent" to make clear there can be one or more managing agents designated as being in charge of a corporation's architectural activities in Illinois.

In addition, various typographical, grammatical, style and form changes were made, including those requested by the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will these Amendments replace an Emergency Amendment currently in effect?
No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements the rewrite of the Illinois Architecture Practice Act of 1989.

Rules adopted on diversified professional training, including academic training, for persons seeking to qualify to take the examination for licensure as an architect in Illinois, generally follow guidelines of the National Council of Architectural Registration Boards (NCARB). In lieu of a requirement that an applicant obtain a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the rules allow the Department of Professional Regulation to admit to the examination an applicant who receives a professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a professional masters of architecture degree program plus 5 years of experience.

There is a new Section which outlines procedures whereby an individual may elect to place his/her license on inactive status.

A Section pertaining to corporations and partnerships has been modified to require submission to the Department a list of all office locations in Illinois at which the corporation or partnership provides architectural services. Each individual architectural office maintained for the preparation of drawings, specifications, reports or other professional work shall have a resident architect(s), licensed in Illinois and regularly employed in that office, having direct supervision and control of such work. In addition, each corporation or partnership shall be responsible for notifying the Department of termination or change of status of the managing agent(s).

A Section pertaining to standards of professional conduct has been modified considerably, generally making Illinois standards conform to national standards.

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16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0800

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section
 1150.20
 1150.30
 1150.40
 1150.50
 1150.60
 1150.65
 1150.70
 1150.80
 1150.90
 1150.100
 1150.110
 1150. Illustration A

Approved Education and ~~or~~ Experience Diversified Professional Training/Experience
 Application for Licensure by Examination
 Examination
 Approved Architecture Programs
 Registration Licensure by Endorsement
 Inactive Status
 Restoration
 Corporations and Partnerships
 Standards of Professional Conduct
 Renewals
 Granting Variances
 Architect Seal Requirements

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, par. 1301 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992.

Section 1150.20 Approved Education and ~~or~~ Experience Diversified Professional Training/Experience

- a) The experience education and diversified professional training/experience ("training") necessary for examination for licensure, as required by the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, par. 1301 et seq.), pursuant to Section 5-13 of "The Act," may be acquired earned in the following manner: described below:

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- a) 1) A 6 year professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) plus 2 years of approved experience training;
- b) 2) A 5 year professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) plus 3 years of approved experience training;
- 3) A pre-professional 4 year baccalaureate degree in architecture from a program acceptable for direct entry into a professional master of architecture degree plus 5 years of approved training;
- c) 4) Until January 1, 1996, a A degree in architecture from a program not accredited by NAAB but approved pursuant to the provisions of Section 1150.50;
- 1) A) Master's degree plus 4 years' of approved experience training;
- 2) B) 5 year bachelor's degree plus 4.5 years' of approved experience training;
- 3) C) 4 year bachelor's degree plus 5 years' of approved experience training;
- d) D) A 4-year degree in an architecture related field or from a program which does not meet the requirements of Section 1150.50 plus 6 years of approved experience training. For the purposes of this Section the Department, upon recommendation of the Architect Examining Committee Illinois Architecture Licensing Board (the "Board"), has defined determined an architecture related field as:
- landscape architecture,
interior design,
building technology,
construction management,
urban design and planning, and engineering
historic preservation; or
- e) E) A 4 year or more nonarchitectural degree from an approved college plus 7 years' of approved experience training.
- f) Until January 1, 1995, a 2-year degree from a junior college, technical school or technical program in a senior college plus 6.5 years' approved experience;
- g) Until January 1, 1995, a high school diploma plus 8 years' approved experience. To reduce the required experience, credit will be given for college courses not leading to a degree in the following manner:

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- 1) Credit for .033 year's experience will be given for each semester hour earned with a grade of C or better (maximum 1 1/2 years credit); or,
- 2) Credit for .022 year's experience will be given for each quarter hour earned with a grade of C or better (maximum 10 years credit);
- b) Diversified Professional Training shall meet the following requirements:
- h) 1) In order to be approved a All training experience shall must be acquired earned:
- 1) A) After graduation from high school After completion of two years of architecture or architectural related program; and
- 2) B) Under the direct instruction, control and supervision and control (as defined in Section 14 of the Act) of a licensed an architect licensed in a jurisdiction of the United States of America or its territories.
- i) Definition of Approved Architectural Experience
- 1) 2) Approved training experience consists of successful performance of work relating to professional services, described in Section 2.5 of the Architecture Act, under the direct supervision of an architect licensed in one of the 54 jurisdictions.
- 2) 3) To qualify for the examination, A candidate shall must have experience training in the office of a licensed registered architect which may include branches of Federal, State, County and Municipal governments and branches of the United States Armed Forces.
- 3) For the purposes of these experience requirements, a licensed architect is defined as an architect licensed and in good standing in one of the 50 states, the District of Columbia, Guam, Puerto Rico or the United States Virgin Islands.
- 4) Any experience training claimed by an applicant shall must be validated by the supervising architect(s) on forms supplied by the Department.
- 4) 5) Full-time employment with one employer of less than one month duration shall not be counted toward the experience training requirements of this Section.

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- 5) 6) Part-time employment for periods in excess of two consecutive months shall be counted as one half week for each 20 hours of employment.
- 6) 7) Full-time teaching experience of 2 academic years in an approved architecture program will be counted as 1 year training experience. A maximum of 1 year of training experience shall be given for teaching experience. Any teaching experience claimed must be validated by the chief administrative officer of the school offering the architectural program.
- 8) An applicant cannot earn more than 40 hours per week of approved training (i.e., overtime does not qualify for additional approved training). One year is considered to be a period of 52 weeks with a minimum of 35 hours per week.
- 9) In lieu of the above training, the Department shall accept the Intern Development Program of the American Institute of Architects--National Council of Architectural Registration Boards (NCARB).

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992)

Section 1150.30 Application for Licensure by Examination

- a) An applicant for licensure as an architect shall file an application on forms supplied by the Department at least 90 days prior to an examination date. The application shall include:

a) ~~Two recent photographs not larger than 2 1/2 by 2 1/2 inches;~~

- b) 1) Proof of having completed the necessary education and training through education and/or experience, as required by Section 1150.20. The proof shall be in the form of certifications of education completed by the school, college or university attended, and/or employer affidavit(s) attesting to experience earned under the direct instruction, control and supervision of a licensed architect, completed and signed by the architect, certification by the supervising architect.

- c) ~~An applicant in an approved architecture program who meets the experience requirements as provided by Section 1150.20 will be admitted to the last examination prior to graduation if he provides certification from the dean of the approved architecture program that he is expected to graduate. If certification of graduation is not received within 90 days after the examination is taken, the results of the examination will be void.~~

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d) ~~Applicant lacking final 3 months of experience~~

- 1) ~~An applicant who has completed all but 3 months or less of his required experience by the final filing deadline for a particular examination will be permitted to sit for that examination.~~
- 2) ~~No examination results or license shall be issued to the applicant until the Department receives a completed experience certification form verifying the actual completion of the required experience. If the verification is not received within 90 days after the examination is taken, the results of the examination will be void.~~
- 2) A complete work history indicating all professional architectural experience.
- 3) If such applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following:

- A) The date of issuance of the applicant's license and the current status of such license;
- B) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
- C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending against the applicant.

e) 4) The required fee.

- b) An applicant shall complete the required training by the date of the application for examination to be permitted to sit for that examination.

f) ~~This Section applies to all applicants upon adoption without regard to where an applicant is in the application process.~~

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992)

Section 1150.40 Examination

- a) The examination for registration licensure as an architect is an single examination administered at least once a year and is prepared by the National Council of Architectural Registration Boards (NCARB).

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- b) The examination shall consist⁶ of the following content areas:

- 1) Division A, Pre-Design;
- 2) Division B, Site Design (Graphic and Written);
- 3) Division C, Building Design, Building Systems;
- 4) Division D/E, Structural - General/Long Span;
- 5) Division E, Structural - Lateral Forces;
- 6) ~~Division F, Structural - Long Span;~~
- 7) Division G, Mechanical, Plumbing, Electrical and Life Safety Systems;
- 8) Division H, Materials and Methods;
- 9) Division I, Construction Documents and Services.

- c) In order to be successful in the examination, an applicant ~~shall~~ must achieve a converted score of 75 or greater in each Division except as indicated in subsection (d) below.

- d) Division C and a portion of Division B are ~~is-a~~ graphic design problems, which ~~is~~ are graded in accordance with evaluation criteria provided to applicants prior to the examination. Division C is graded with a score of either pass or fail.

- e) All applicants who are in the process of taking the examination formerly administered by the Department ~~will be integrated into the revised examination format and~~ shall receive credit for previous examinations passed as follows:

Previous
Examinations
Passed

Credits to Architect
Registration Examination
(ARE) Divisions

Qualifying
Section A

Division A (partial credit - see (f) below)

Divisions D, E, and F

Division H

Division G

Professional
Section A

Divisions B and C

Section B I

Division A (partial credit - see (f) below)

Section B II

Section B III

Divisions G and H

Section B IV

Division I

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- f) In order to receive credit for Division A of the ARE, an applicant must pass both the Qualifying Examination, Section A, and the Professional Examination, Section B, Parts I and II.

- g) Since the history and theory of architecture ~~are~~ is incorporated into all Divisions of the ARE, no credit will be given for only having passed the Qualifying Test-Section A, History. The only credit awarded for Section A will be partial credit towards Division A as outlined in subsection (f) above.

- h) In order to be eligible for transfer credits for any parts of the Professional Examination -- Section B, the candidate must have passed three parts of the examination in one sitting, on or after December 1980.

- i) Applicants ~~Candidates~~ shall ~~must~~ in all cases, pass Division A of the ARE if they have not passed Section A of the Qualifying Test even though the applicant ~~candidate~~ may have passed the Professional Examination Section B, Parts I and II.

- j) All other applicants must take all Divisions in the first attempt.

- k) ~~If an applicant fails to pass an examination for licensure under this Act within six years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualification for examination in effect at the time of the new application (Section 12(f) of the Act). Scores from divisions of the examination already passed under a previous application shall be carried over and applied to subsequent applications.~~

- ~~l) Applicants who fail to achieve the required passing score in any Section(s) of the examination will be afforded unlimited opportunities to repeat the examination.~~

- ~~m) The provisions of this Section shall be waived for an applicant candidate for licensure as an architect who makes application in form and substance satisfactory to the Department pursuant to the standards set forth in Section 1150.30 and causes to be filed with the Department, in addition to his/her application, proof of his successful completion of the National Council of Architectural Registration Boards (NCARB) examination administered pursuant to the standards outlined above in another jurisdiction. Such proof of successful completion must be forwarded directly to the Department from the state in which the examination was taken.~~

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m) The Department shall, in individual cases, upon recommendation of the Committee, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the licensed practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area(s) of examination being considered for waiver. The applicant shall be required to appear before the Committee and present work products representative of his current professional activities which demonstrate to the Committee the individual's specific competence in the area in which waiver is requested. If an applicant has previously failed to pass a part or parts of the examination, he shall not be granted a waiver for that part or parts pursuant to this provision.

n) Divisions of the examination passed in another state will be accepted toward licensure in this state if the Division was not subsequently failed.

o) The provisions of this Section apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992)

Section 1150.50 Approved Architecture Programs

a) The Department shall, upon the recommendation of the Architect Examining Committee, approve an architecture program, upon recommendation of the Board, shall be approved by the Department as reputable and in good standing if it meets the following minimum criteria:

- 1) The educational institution is legally recognized and authorized by the academic jurisdiction in which it is located to confer the appropriate any of the degrees required for licensure in accordance with Section 1150.20(a).
- 2) Has a faculty which is comprised of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions; and
- 3) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

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4) Has a curriculum:

A) Which confers a first professional degree in architecture and is accredited by the NAAB;

B) Which confers a pre-professional 4 year degree accepted for direct entry into a professional master of architecture degree program; or

C) Until January 1, 1996, for applicants who have completed their education prior to January 1, 1990, has a curriculum which is at least 4 academic years which and provides integration of the educational experience directed toward the development of the ability to apply knowledge to the identification and solution of practical problems and which encompasses the following:

A) i) Basic sciences including physics, chemistry and subjects from the other areas of life and earth sciences;

B) ii) Architectural science courses in building technology basic sciences which assist the student to develop capabilities for recognition of problems through to formulation of creative solutions;

C) iii) Architectural design courses which foster the development of critical evaluation of alternative choices based upon an awareness and responsibility to protect the for public health, safety and welfare;

D) iv) Appropriate studio and laboratory experience as determined by the college or institution should shall be included in the program of each student; and

E) v) The overall curriculum must shall include a minimum of 120 semester hours or their equivalent and must shall include at least the following subjects:

i) Advanced Mathematics - including calculus and analytical geometry - 8 hours

ii) Basic Sciences - 8 hours

iii) Architectural Sciences - 16 hours

iv) Architectural Design - 18 hours - which may include up to 6 hours of art or freehand drawing

v) Humanities/Social Studies - 12 hours

vi) History of Architecture - 12 hours

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- 4) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the National Architectural Accrediting Board (NAAB).

c) The Department, upon the recommendation of the Architect-Examining Committee Board, has determined that all architecture programs accredited by the National Architectural Accrediting Board (NAAB) as of January 1, 1983 1991, meet the minimum criteria set forth in subsection (a), above, for an approved architecture program and are, therefore, approved.

d) The Department, upon the recommendation of the Architect-Examining Committee Board, has determined it appropriate that each architectural program, other than a program referred to in paragraph subsection (c) above, from which graduates have been issued permanent licensure in Illinois since July 1, 1975, be deemed an approved architectural program for purposes of meeting the minimum criteria set forth in subsection paragraph (a) above, retrospectively and until such time as the Department, upon the recommendation of the Committee Board, determines that the program should be considered disapproved or until July 1, 1993, whichever is earlier. The Committee, at its first regular meeting following July 1, 1983, and at its first regular meeting following July 1 of each year thereafter shall select approximately one-tenth of the programs deemed approved under this paragraph for evaluation during that year and shall either approve or disapprove such programs in accordance with paragraphs (e) and (f) below.

e) Any recommendation by the Committee to approve an architectural program shall set forth the period of time covered by the evaluation and the specific date after which persons matriculating in that program shall be considered to have graduated from an approved program. Program approval shall operate from that date and prospectively thereafter to include persons graduating no later than the tenth academic year beyond the last academic year covered by the evaluation.

f) Any recommendation by the Committee that an architectural program be disapproved shall set forth the period of time covered by the evaluation and shall set forth in what regard the program fails to satisfy the minimum requirements in paragraph (a) or state that the determination is based on the fact that the Committee has not received information in form and substance that would enable the Committee to make an informed, well reasoned, complete and unbiased decision. In the event of a program previously approved pursuant to paragraphs (c), (d) and (e) above, the recommendation shall also set forth a date after which a person graduating shall be considered not to have graduated from an approved program.

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g) e) Reevaluation

1) Any program disapproved for failure to satisfy the minimum requirements for paragraph set forth in subsection (a) may be reevaluated by the Committee Board upon the request of an applicant for a period of time previously evaluated only for good cause shown. In determining the existence of good cause, the Committee Board shall consider whether the applicant has raised an issue as to whether incorrect or insufficient information was provided during the original evaluation. If the program was disapproved based on the fact that the Committee Board has not received sufficient information concerning the program, it shall be reevaluated upon the request of any applicant who can present evidence that sufficient information for evaluation is now available.

2) The applicant at whose behest for whom a reevaluation is conducted shall be required to submit such documentation as is deemed necessary to substantiate his that program's assertions. In addition, the Committee Board may request clarification or amplification of any documentation so submitted when additional clarification will aid in the reevaluation decision. Unless the Committee Board at its discretion grants an extension of time on its own motion or at the request of the applicant, it shall, no later than six months from the date of the request for reevaluation, either approve the program, disapprove the program for failure to satisfy the minimum requirements of paragraphs subsection (a), or disapprove the program based on the fact that the Committee Board has not received sufficient information concerning the program. An extension of time will be granted when such an extension is necessary in order to effect a fair, equitable and complete evaluation.

h) f)

At its first regular meeting after July 1 of each year, the Committee Board shall maintain authorize the publication of a list of all programs approved and disapproved as of July 1 of that year. Concurrently, the Committee shall authorize the publication of a list of programs to be evaluated during the ensuing year which shall be composed of programs required to be evaluated pursuant to paragraphs (c) and (d) above, and programs whose approval will expire at the end of the academic year next following. Such lists shall be provided to all approved architectural programs within the State of Illinois and to any other person or organization making written request.

i) j)

No determination by the Department to disapprove any program previously approved shall operate to disqualify an architect licensed in Illinois with respect to the license then held.

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g) Reevaluation of An Approved Program

- 1) Notwithstanding any other provision of this Section, the Committee Board may reevaluate any approved architectural program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of paragraph subsection (a) or that its decision was based upon false, or deceptive or incomplete information.
- 2) ~~Any recommendation to approve or disapprove a program pursuant to this paragraph shall be subject to paragraphs (c), (d) and (4), except that, if the Committee Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program on the part of any licensee, it shall refer such matter to appropriate Department personnel for any disciplinary action which might be appropriate under the Act.~~
- 3) An architectural program whose approval is being reevaluated by the Department shall be given at least 15 days written notice prior to any recommendation by the Committee Board and the officials in charge may either submit written comments or request a hearing before the Committee Board in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992)

Section 1150.60 Registration Licensure by Endorsement

- a) An applicant who holds an active license or registration Any person who holds an unexpired certificate of registration to practice architecture, issued under the laws of another state, or territory or country and who desires to become registered licensed by endorsement shall file an application with the Department together with: a recent photograph, the required fee specified in Section 14-19 of the Act (Ill. Rev. Stat. 1983, Ch. 111, par. 1229) and:

1) Either:

- A) Council Certification, issued by and forwarded directly to the Department by the National Council of Architectural Registration Boards NCARB; or

- B) Other Proof of Qualifications and Licensure

- i) Proof that the applicant has met the requirements substantially equivalent to those in force in this State at the time of his original or subsequent licensure by written examination in the other jurisdiction state or territory, including certification of education, and affidavits of experience as appropriate training.

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- ii) A certification by the jurisdiction state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, stating including the date of issuance of the applicant's license and the current status of each license i) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; the basis of licensure and ii) A description of the written licensure all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and iii) Whether the records files of the licensing authority contain any record of any disciplinary action taken or pending against the applicant.
- c) If the applicant is not currently licensed in the state of original licensure, a copy of a current license in another state.

- 2) The required fee as set forth in Section 19 of the Act; and

- 3) A complete work history since graduation from an architecture program.

- b) The Department shall examine each endorsement application to determine whether the requirements in the jurisdiction state or territory of original or subsequent licensure by examination were comparable substantially equivalent to the requirements then in force in this State. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.

- e) The Department shall either issue a certificate of registration by endorsement to the applicant or notify him in writing of the reasons for the denial of his application within 60 days or within 15 days of the next available meeting of the Committee, whichever shall come first. An applicant not qualified for registration by endorsement will automatically be reviewed under the provisions of Section 1150.40.

- c) The Department shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the licensed practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area(s) of examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for that part or parts pursuant to this provision.

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- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992.)

Section 1150.65 Inactive Status

- a) Any licensed architect who notifies the Department in writing on forms prescribed by the Department may elect to place his/her license on inactive status and shall be excused from the payment of renewal fees until he/she notifies the Department in writing of the desire to resume active status.

- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1150.70 of this Part.

- c) Any licensed architect whose license is on inactive status shall not practice architecture in the State of Illinois. Practicing or offering to practice architecture on a license which is on inactive status shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: Added at 16 Ill. Reg. 3143, effective February 14, 1992.)

Section 1150.70 Restoration

- a) A registrant licensee seeking restoration of his a certificate of registration license which has expired for less than two-(2) three (3) years shall have his the license restored upon payment of \$10 plus all lapsed renewal fees required by Sections 14 17 and 19 of the Act.
- b) A registrant licensee seeking restoration of his a certificate of registration license which has been placed on inactive status for less than two-(2) three (3) years shall have his the license restored upon payment of the current renewal fee as specified by Sections 14 17 and 19 of the Act.
- c) A registrant licensee seeking restoration of his a certificate of registration license after it has expired or been placed on inactive status for more than two-(2) three (3) years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Sections 14 17 and 19 of the Act. The registrant licensee shall also submit either:

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- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 14 16 of the Act; or
- 3) Other evidence of continued active practice of in architecture for at least the last two-(2) three (3) years. Other evidence shall include, but not be limited to:

- A) Such---evidence---shall---show---that---he---has---been---employed Employment in a responsible capacity under the direct supervision and control of a licensed architect; or
- B) Been Lawfully practicing architecture as an officer or employee of a governmental agency the United States government as a practicing architect; or
- C) Been Teaching architecture in a college or university program accredited by the NAAB; or
- D) Attendance During the past two-(2) three (3) years attended at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Department upon recommendation of the Architect-Examining-Committee Board.

- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department, because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the registrant seeking restoration of his certificate of registration will be requested to:

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) explain such relevance or sufficiency during an oral interview; or
- 3) appear for additional oral interview(s) before the Committee when the information available to the Committee is insufficient to evaluate the individual's current competency to practice under the Act.

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- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992.)

Section 1150.80 Corporations and Partnerships

- a) Persons who desire to practice architecture in this State in the form of a partnership or corporation ~~and~~, (if the form is a corporation, and such corporation was not formed under the "Professional Service Corporation Act" (Ill. Rev. Stat. 1983 1989, ch. 32, par. 415-1, et seq.)) shall, in accordance with Section 21 of the Act, file an application with the Department on forms provided by the Department, together with file the following with the Department:

1) For Corporations.

- A) ~~An application containing~~ The name of the corporation and its registered address, and the names of all members of the board of directors, with and the name of the state and license number for each director who is licensed as an architect, structural engineer or professional engineer in which each is licensed ~~and the license number of each director who is registered as an architect-structural-engineer or professional-engineer. To qualify under Section 21 of the Illinois-Architecture Act, at least two-thirds of the board of directors shall must be so registered licensed.~~

- B) A copy of the Articles of Incorporation ~~under~~ bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. The purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide architectural services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this state is required; and

- C) A certified copy of the resolution adopted by the board of directors designating a member(s) of the board of directors who is an Illinois licensed architect as the managing agent(s) in charge of the architectural activities in this State. The Illinois license number of the architect(s) designated as the managing agent(s) shall also be included in the resolution.

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2) For Partnerships

- A) An application containing the name of the partnership and its business address and the names of all general partners, with the name of the state in which each is licensed and the license number of each general partner who is registered licensed as an architect, structural engineer or professional engineer. To qualify under Section 21 of the Act, at least two-thirds of the general partners shall ~~must~~ be so-registered licensed in any state or territory.

- B) A certified copy of the resolution adopted by the general partners designating the general partner(s) who is an Illinois licensed architect as the managing agent in charge of the architectural activities in this State. The Illinois license number of the architect(s) designated as the managing agent(s) shall also be included in the resolution.

- ~~2) A certified copy of a resolution of the board of directors or of the partners, as the case may be, designating a member of the board or a general partner who is an Illinois-registered-architect as the manager in charge of the architectural activities in this State.~~

- 3) A list of all office locations in Illinois at which the corporation or partnership provides architectural services.

- b) Upon receipt of the above documents, the Department shall issue a license letter authorizing the corporation or partnership to engage in the practice of architecture or notify the applicant in writing of the reason for the denial of such application.

- c) Each individual architectural office maintained for the preparation of drawings, specifications, reports or other professional work shall have a resident architect(s), licensed in Illinois and regularly employed in that office, having direct supervision and control of such work. Nothing in this Section shall relieve the managing agent(s) in charge of architectural activities in this State of any legal responsibility for the overall supervision of the individual architectural offices.

- e) Each such corporation or ~~and~~ partnership shall be responsible for notifying the Department within 30 days of any changes in:

- 1) The membership of the board of directors or of the general partners; and
- 2) The licensure status of any of the general partners or any of the ~~registered licensed~~ architect or engineering members of the board or partners ~~and~~.

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- 2) ~~The manager in charge of the architectural activities in this State.~~
- e) Each corporation or partnership shall be responsible for notifying the Department, in writing, by certified mail, within 10 business days after a termination or change in status of the managing agent(s). Thereafter, the corporation or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the architect licensed in Illinois who is the newly designated managing agent(s).

- f) ~~Any~~ Failure to notify the Department as required above in subsections (d) and (e) or any failure of the corporation or partnership to continue to comply with the requirements of Section 2-21 of the Act will subject the corporation or partnership to the loss of its license ~~authorization~~ to practice architecture in Illinois.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992.)

Section 1150.90 Standards of Professional Conduct

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of architecture, the following Standards of Professional Conduct shall be binding on every person applying for or holding a ~~certificate of registration~~ license as an Architect and on all partnerships and corporations authorized to practice architecture in this State.

a) Competence

- 1) An architect shall undertake to perform professional services only when ~~he~~ the architect, together with those whom the architect may engage as consultants, are qualified by education, ~~and~~ training, ~~and~~ experience in the specific technical areas involved.
- 2) An architect engaging in the practice of architecture shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by licensed architects of good standing, practicing in the same locality.
- 3) An architect in designing a project shall take into account all applicable state and municipal building laws and regulations (e.g., the Illinois Environmental Barriers Act (Ill. Rev. Stat. 1989, ch. 111, par. 3711)). While an architect may rely on the advice of other professionals, attorneys, engineers and other qualified persons (i.e., building code officials, authorized governmental officials) as to the

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intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

b) Conflict of Interest

- 1) An architect shall not accept compensation for his/her services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
- 2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence ~~his~~ the architect's judgment in connection with ~~his~~ the architect's performance of professional services, the architect shall fully disclose in writing to ~~his~~ the architect's client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

- 3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

- 4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

c) Full Disclosure

- 1) An architect, making public statements on architectural questions, shall disclose when ~~he~~ she is being compensated for making such statements.
- 2) An architect shall accurately represent ~~not--misrepresent~~ to a prospective or existing client or employer ~~his~~ the architect's qualifications and the scope of ~~his~~ the architect's responsibility in connection with work for which ~~he~~ the architect is claiming credit.
- 3) If, in the course of the architect's work on a project, an architect becomes aware of a decision taken by the architect's employer or client, against such architect's advice, which violates applicable State or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall:

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- A) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable State or municipal building laws and regulations.
- B) Refuse to consent to the decision; and
- C) In circumstances where the architect reasonably believes that other such decisions will be taken, notwithstanding his or her objection, terminate the architect's services with respect to the project. In the case of a termination in accordance with this clause, the architect shall have no liability to the architect's client or employer on account of such termination.

d) Compliance with Laws

- 1) An architect shall not, in the conduct of his/her architectural practice, knowingly violate any state or federal criminal law of a state or territory of the U.S.
- 2) An architect shall comply with the licensing and registration laws and regulations governing architectural practice in any state or territory of the U.S. in which the architect is practicing or offering to practice architecture.

- 3) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

- 4) An architect shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a license or renewal thereof.

- 5) An architect shall not assist the application for a license of an individual known by the architect to be unqualified in respect to education, training or character.

- 6) An architect possessing knowledge of a violation of the provisions set forth in Section 22 of the Act by another architect shall report such knowledge to the Department.

e) Professional Conduct

- 1) An architect shall not sign or seal drawings, specifications, reports or other professional work for which he the architect does not have direct personal knowledge and direct supervisory control; provided,

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however, that in the case of the portions of such professional work prepared by the architect's consultants, ~~registered~~ licensed under the ~~Illinois Architecture Act~~ or another professional registration licensure law of this jurisdiction, the architect may sign and seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy. Notwithstanding the above, in the event of the death or incapacity of the architect, a subsequent architect may utilize the drawings, specifications, reports or other professional work produced by the deceased or incapacitated architect, after independent review, in order to complete the project.

- 2) An architect shall neither offer nor make any payment or gift, other than gifts of nominal value (including, but not necessarily limited to reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

- 3) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992.)

Section 1150.100 Renewals

- a) Every ~~certificate of registration~~ license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a ~~certificate of registration~~ license may renew such ~~certificate~~ license during the month preceding the expiration date thereof by paying the required fee required by Section 19 of the Act.

- b) It is the responsibility of each ~~registrant~~ licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

- c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a two-year period during the month preceding the expiration date thereof by paying the fee specified in Section 19 of the Act.

- d) Practicing or operating on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992.)

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Section 1150.110 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he/she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance; and
- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the ~~Architect-Examining-Committee~~ Board in writing of the granting of such variance, and the reasons therefor, at the next meeting of the ~~Committee~~ Board.

(Source: Amended at 16 Ill. Reg. 3143, effective February 14, 1992)

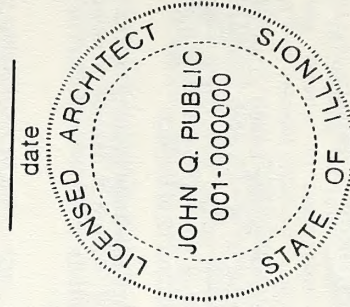
Section 1150 Illustration A Architect Seal Requirements

- a) Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and the words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of construction documents utilized as contract documents or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's direct supervision and control. The sheet of construction documents in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply (Section 14 of the Act).

- b) Partnerships may utilize a reproducible seal or facsimile which contains all partners names and license numbers, provided that the partner(s) responsible for the construction documents for the building shall sign and seal in the manner prescribed in subsection (a) above. All construction documents issued by an architectural firm, corporation or partnership are required to bear the corporate or assumed business name, in addition to the seal requirements.

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- c) The following is a suggested facsimile of the design and lettering of the seal:



expires 11-30-19....

signature

(Source: Added at 16 Ill. Reg. 3143, effective February 14, 1992)

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- 1) Heading of the Part: Illinois Certified Shorthand Reporters Act of 1984
- 2) Code Citation: 68 Ill. Adm. Code 1200
- 3) Section Numbers: Adopted Action:
1200.30 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111, pars. 6207, 6210 and 6211.
- 5) Effective Date of Amendments: February 18, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 14, 1992
- 9) Date Notice of Proposal Published in Illinois Register: October 11, 1991, at 15 Ill. Reg. 14369
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
The final version is the same as the proposed version.
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? No changes were required.
- 13) Will these Amendments replace an Emergency Amendment currently in effect?
No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Under this rulemaking, applicants for certification as shorthand reporters no longer are permitted to bring their own typewriters to examinations. Typewriters will be provided by the Department at the test site. Also, dictionaries brought to the test site by applicants shall be bound dictionaries. This addresses the problem of some examination candidates gaining unfair advantage by bringing word processors, mini computers and electronic dictionaries to the examination and making it difficult to determine competency in spelling and grammar.

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- 16) Information and questions regarding this amended part shall be directed to:
Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1200

ILLINOIS CERTIFIED SHORTHAND REPORTERS ACT OF 1984

Section	
1200.20	Application for Examination
1200.30	Examinations
1200.35	Renewals
1200.40	Restoration
1200.45	Endorsement
1200.50	Fees for the Administration of the Act
1200.60	Annual Report of Board
1200.70	Conduct of Hearings
1200.80	Granting Variances

AUTHORITY: Implementing the Illinois Certified Shorthand Reporters Act of 1984 (Ill.Rev.Stat.1989, ch. 111, par. 6201 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill.Rev.Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Adopted at 5 Ill. Reg. 7518, July 17, 1981; effective July 2, 1981; codified at 5 Ill. Reg. 11024; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982; for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendments at 8 Ill. Reg. 672, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 16443, effective August 29, 1984; amended at 11 Ill. Reg. 14073, effective August 5, 1987; recodified from Chapter I, 68 Ill. Adm. Code 200 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1200 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2917; amended at 12 Ill. Reg. 16718, effective September 30, 1988; amended at 13 Ill. Reg. 18865, effective November 21, 1989; amended at 16 Ill. Reg. 3169, effective February 18, 1992.

Section 1200.30 Examinations

- a) The Examination for certification as a certified shorthand reporter shall be administered by the Department or its designated testing service. The examination shall be given in 3 portions, as set forth below. Applicants are required to pass the Preliminary Examination before being allowed to take either the Written Knowledge or the Dictation Examination. Applicants who present satisfactory evidence to the Department of ~~success in~~ successful completion of an examination which the Department deems to be equivalent to the Preliminary Examination shall not be required to take the Preliminary. (An examination shall be deemed equivalent if it is as specified in subsection (b)(2) of this Section.) Satisfactory evidence shall be as specified in subsection (b) of this Section.

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- 1) Preliminary Examination. A Preliminary Examination ~~will~~ **shall** be required of all applicants, except as provided in subsection (b), below. The applicant will be tested on his/her ability to make a verbatim record of unfamiliar testimony dictated for 5 minutes at a minimum speed of 225 words per minute with at least 94% accuracy.
 - 2) Written Knowledge Examination. The ~~Written~~ Examination is given to determine the applicant's competency and ability:
 - A) To understand the English language, including reading, spelling and the applicant's knowledge of day to day vocabulary, as well as medical, legal and technical vocabulary, without the use of a dictionary.
 - B) To accurately report any of the matters comprising the practice of shorthand reporting as defined in the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1987 1989, ch. 111, par. 6201 et seq.) (the "Act"), by the use of any system of manual or mechanical shorthand or shorthand writing.
 - C) To clearly understand the obligations between a shorthand reporter and the parties to any proceedings reported; and
 - D) To understand the provisions of the Act.
 - 3) Dictation Examination
 - A) This portion of the examination shall consist of the following parts:
 - i) General dictation at 200 words per minute for 5 minutes with an allowance of 50 errors. (Definition: spoken words presented in court proceedings, depositions, arbitrations, speeches, and hearings).
 - ii) Testimony, 2 voice, 225 words per minute for 5 minutes with an allowance of 57 errors.
 - B) Transcription. Upon completion of both parts of the Dictation Examination, the applicant shall transcribe both parts in double-space form.
 - C) The applicant shall be allowed an aggregate of three hours ~~with which to complete all of each~~ transcription. Those retake applicants required to transcribe only one part of the Dictation Examination shall be allowed ~~only one~~ one and one-half hours.
- b) Waiver of Preliminary Examination
- 1) The Department shall waive the Preliminary Examination for applicants who submit:

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A) A Registered Professional Reporter's Certificate by examination or a Certificate of Merit issued by the National Shorthand Reporters Association; or

B) An Affidavit of Ability from a shorthand reporting school which conducts an equivalent preliminary examination, as determined by the Department upon the recommendation of the Shorthand Reporters Board of Examiners.

2) The Affidavit of Ability, Certificate of Merit, and Registered Professional Reporter's Certificate by examination will be void upon the third failure of the Written Knowledge or Dictation portions of the examination ~~by an applicant~~, and the applicant will be required to sit for the ~~pPreliminary~~ eExamination as well as retake both the Written Knowledge and Dictation ~~the other~~ portions ~~of the examination~~ as required by subsection (c)(2)(6) of this Section.

3) In evaluating whether a shorthand reporting school gives an equivalent preliminary examination, the Board shall consider the following factors:

A) Whether the test meets the minimum standards set out for the ~~pPreliminary~~ eExamination set forth in subsection (a)(1) above;

B) Test security; and

C) The preceding performance record on Illinois licensure examinations of the students from that school, specifically:

- i) The number of examinees;
- ii) Grades;
- iii) Failure rate; and
- iv) Trends.

c) Grading of the Examination

1) The passing grade score on the ~~wWritten~~ Knowledge eExamination set forth in subsection (a)(2) is 75% ~~or better~~.

2) An applicant shall ~~will have~~ successfully completed the ~~pPreliminary~~ eExamination if he/she transcribes the testimony dictated for 5 minutes at a minimum speed of 225 words per minute with at least 94% accuracy.

3) An applicant shall ~~will~~ pass the ~~dDictation~~ eExamination set forth in this subsection if he/she successfully transcribes within the given time periods set forth in subsections (A) and (B) below:

A) 200 words per minute for 5 minutes with ~~a maximum of~~ 50 errors or ~~less fewer~~ on the general dictation ~~part portion~~; and

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B) 225 words per minute for 5 minutes with ~~a maximum of~~ 57 errors or fewer on the 2 voice testimony.

4) In scoring the ~~dDictation~~ eExamination, "Q" representing question and "A" representing answer, shall not be counted as words in the testimony portion; however, such signs must appear in proper order in the transcript.

5) ~~An applicant who fails~~ Applicants who fail a portion of an examination will be required, on his their second and third attempts ~~examinations~~, to retake only the ~~these~~ portions-or dictation part of the examination which ~~he they~~ did not pass.

6) ~~For the purpose of retaking examinations beyond the third~~, If an applicant must take any portion of the examination more than 3 times, the fourth examination shall be considered to be the same as the first. (The applicant shall take all 3 portions of the examination, and retakes shall be in accordance with subsection (5) above).

d) Required Supplies for the Examination

1) Each applicant must supply his/her own bound dictionary, pens, pencils, stenographic machine, erasers, stenograph paper, and notebooks or note paper, ~~and dictionary~~. The use of only one dictionary per person is permitted. Typewriters shall be supplied at the location of the examination, ~~however, applicants may bring their own typewriters if they elect to do so~~.

2) Applicants shall not be permitted to use tape recorders or other electronic recording devices during the examination sessions.

3) Typing paper will be provided.

e) The provisions of this Section shall apply to applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 16 Ill. Reg. 3169, effective February 18, 1992.)

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1) Heading of the Part: Illinois Physical Therapy Act2) Code Citation: 68 Ill. Adm. Code 13403) Section Numbers: Adopted Action:

1340.15	New Section
1340.20	Amendment
1340.30	Amendment
1340.40	Amendment
1340.50	Amendment
1340.55	Amendment
1340.60	Amendment
1340.65	Amendment
1340.66	New Section
1340.70	Amendment

4) Statutory Authority: Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq. as amended by P.A. 86-1396, effective July 1, 1991).5) Effective Date of Amendments: February 18, 19926) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: February 13, 19929) Date Notice of Proposal Published in Illinois Register: August 9, 1991, at 15 Ill. Reg. 1136910) Has ICAR issued a Statement of Objections to these Rules? No11) Difference(s) between proposal and final version:

In response to public comment received during the First Notice Period, subsection 1340.50(e) was added. It reads:

"When an applicant for licensure by endorsement as a physical therapist or physical therapist assistant is notified in writing by the Department that the application is complete, the applicant may practice in Illinois for one year or until licensure has been granted or denied, whichever period of time is lesser, as provided in Section 2(4) of the Act."

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The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. Added to the text "Parklawn Building, 5600 Fisher Lane, Rockville, Md. 20857," after "Public Health Service" in Section 1340.15(a)(2).
2. Deleted the text "within a reasonable time" from Section 1340.50(d).
3. Added "1110" after "Code" in Section 1340.20(g)(4).
4. Replaced "Director" and "Director of the Department" with "Committee" in Section 1340.50 (b).

In addition, various typographical, grammatical and form changes were made.

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements Public Act 86-1396, effective July 1, 1991, which provides for the licensing of physical therapist assistants. The rules outline four methods of licensure: 1) Grandfather, 2) Examination, 3) Acceptance of Examination and 4) Endorsement. These rules mirror existing physical therapist licensing provisions, with reduced requirements.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1340
 ILLINOIS PHYSICAL THERAPY ACT

- Section
 1340.15 Application for Licensure Under Section 8.1 of the Act (Grandfather)
 1340.20 Approved Physical Therapy Programs
 1340.30 Application for Licensure on the Basis of Examination
 1340.40 Examination
 1340.50 Endorsement
 1340.55 Renewals
 1340.60 Restoration
 1340.65 Unprofessional Conduct
 1340.66 Advertising
 1340.70 Granting Variances

AUTHORITY: Implementing the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Adopted at 5 Ill. Reg. 6500, effective June 3, 1981; codified at 5 Ill. Reg. 11048; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 1906, effective January 28, 1985; transferred from Chapter I, 68 Ill. Adm. Code 340 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1340 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2959; amended at 12 Ill. Reg. 8030, effective April 25, 1988; amended at 15 Ill. Reg. 5254, effective March 29, 1991; emergency amendment at 15 Ill. Reg. 11503, effective July 30, 1991, for a maximum of 150 days; emergency expired December 27, 1991; amended 16 Ill. Reg. 3175, effective February 18, 1992.

Section 1340.15 Application for Licensure Under Section 8.1 of the Act (Grandfather)

Any person seeking licensure as a physical therapist assistant under Section 8.1 of the Illinois Physical Therapy Act (the Act) (P.A. 86-1396, effective July 1, 1991) shall file an application with the Department of Professional Regulation (the "Department") on forms provided by the Department. Such application shall be postmarked no later than midnight December 31, 1991, and shall include the following:

- a) Education/Experience
- 1) Certification of graduation from an approved 2 year college-level physical therapist assistant program on or before July 1, 1991; or

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- 2) Verification, on forms provided by the Department, of at least 2 years of experience completed on or before July 1, 1991, as a physical therapist assistant under the direct supervision of a licensed physical therapist; and certification of a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, Parklawn Building, 5600 Fisher Lane, Rockville, Md. 20857, prior to January 1, 1978.

b) A complete work history.

- c) The required fee specified in Section 32(1) of the Act.

- d) Certification, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction;
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

(Source: Added at 16 Ill. Reg. 3175, effective February 18, 1992.)

Section 1340.20 Approved Physical Therapy Programs

- a) The Department shall, upon the recommendation of the Physical Therapy ~~Examining~~ Licensing and Disciplinary Committee (the "Committee"), approve a physical therapy program as ~~reputable and in good standing~~ if it meets the following minimum criteria:

- 1) The school is legally recognized and authorized by the jurisdiction in which it is located to confer ~~the appropriate degree~~ a physical therapy degree.
- 2) Has a faculty which is comprised of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.
- 3) Has an integrated curriculum plan which includes at least the following subject areas in professional education (57-61 semester hours required):

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A) Basic Health Sciences

- i) ~~Anatomy~~
- ii) ~~Physiology~~
- iii) ~~Pathology~~
- iv) ~~Kinesiology~~
- v) ~~Neurology~~
- vi) ~~Psychology~~

B) Clinical Sciences to include, but not be limited to the major areas of:

- i) ~~Medicine~~
- ii) ~~Surgery~~
- iii) ~~Physical~~ therapy theory and application including therapeutic exercise, evaluation procedures, physical agents, electrotherapy, massage, orthotics and prosthetics, and professional issues.

C) Clinical Education - a minimum of 800 clock hours.

- 4) Admits only students who have completed a minimum of sixty (60) semester hours or its equivalent of college level courses.
- 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

b) The Department shall, upon the recommendation of the Committee, approve a physical therapist assistant program if it meets the following minimum criteria:

- 1) The school is legally recognized and authorized by the jurisdiction in which it is located to offer a 2 year physical therapist assistant program.
- 2) Has a faculty which is comprised of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.
- 3) Has an integrated curriculum plan which includes at least the following subject areas in professional education (29-31 semester hours required):

A) Basic Health Sciences

- i) Anatomy and physiology
- ii) Pathology
- iii) Psychology
- iv) Kinesiology

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B) Clinical Sciences to include, but not be limited to, the major areas of:

- i) Medicine and surgery
- ii) Physical therapist assistant theory and application including gross evaluation techniques, physical agents, therapeutic exercise, electrotherapy, massage, and professional issues.

C) Clinical Education - a minimum of 600 clock hours.

- 4) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- c) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the American Physical Therapy Association (APTA).

b) Recommendation of Approval

- 1) The Department, upon the recommendation of the Committee, has determined that all physical therapy and physical therapist assistant programs accredited by the ~~APTA American Physical Therapy Association as of July 1, 1984~~ July 1, 1991, meet the minimum criteria set forth in subsections (a) and (b) above and are, therefore, approved. The Physical Therapy Examining Committee shall review the list of accredited programs published each year by the American Physical Therapy Association in order to determine that the programs listed continue to meet the minimum criteria.
- 2) In the event of a decision by the above accrediting body to suspend, withdraw or revoke accreditation of any physical therapy or physical therapist assistant program ~~accredited as of January 1, 1983~~, the Committee shall proceed to evaluate the program and either approve or disapprove if the program in accordance with provisions of subsections (c) and (f) below (a) and (b) above.
- e) In addition to the approved programs referred to in subsection (d)(1) above, The Department, upon the recommendation of the Physical Therapy Examining Committee, has determined it appropriate that each physical therapy and physical therapist assistant program, other than a physical therapy program referred to in subsection (c) above, from which graduates have been issued licensure in Illinois since July 1, 1978, 1981, be deemed an approved physical therapy program for purposes of meeting the minimum criteria set forth in subsections (a) and (b) above, retrospectively and until such time as the Department, upon the recommendation of the Committee, determines that the program should be disapproved, ~~or until July 1, 1988, whichever is earlier. The Committee at its first regular meeting following~~

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July 1, 1998, and at its first regular meeting following July 1 of each year thereafter shall select approximately one-fourth of the programs approved under this paragraph for evaluation during that year and shall either approve or disapprove such programs in accordance with subsections (c) and (d) below.

d) Any recommendation by the Committee to approve a program of physical therapy education shall set forth the period of time covered by the evaluation and the specific date after which persons matriculating in that program shall be considered to have graduated from an approved program. Program approval shall operate from that date and prospectively thereafter, to include persons graduating no later than the fifth academic year beyond the last academic year covered by the evaluation.

e) Effect of Disapproval on Pending Applications

1) Any recommendation by the Committee that a program of physical therapy education be disapproved shall set forth the period of time covered by the evaluation and shall set forth in what regard the program fails to satisfy the minimum requirements in paragraph (a) or state that the determination is based on the fact that the Committee has not received sufficient information concerning the program. In the event of a program previously approved pursuant to subsections (c), (d) and (e) above, the recommendation shall also set forth a date after which a person graduating shall be considered not to have graduated from an approved program.

2) Any applicant for licensure whose application was complete on or prior to the determination by the Department that a previously approved program be disapproved will be issued a license provided he is otherwise qualified.

f) Reevaluation of a Disapproved Program

1) Any program disapproved for failure to satisfy the minimum requirements for subsection (a) may be reevaluated upon the request of an applicant for a period of time previously evaluated only at the discretion of the Committee for good cause shown. In determining the existence of good cause, the Committee shall consider whether the applicant has raised an issue as to whether incorrect or insufficient information was provided during the original evaluation. If the program was disapproved based on the fact that the Committee has not received sufficient information concerning the program, it shall be reevaluated upon the request of any applicant who can present evidence that sufficient information for evaluation is now available.

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1) Any program disapproved for failure to satisfy the minimum requirements for subsections (a) and (b) may be reevaluated at the discretion of the Department for good cause shown. In determining the existence of good cause, the Department shall consider whether incorrect or insufficient information was provided during the original evaluation. If the program was disapproved based on the fact that the Department has not received sufficient information concerning the program, it shall be reevaluated upon the request of any applicant who can present evidence that sufficient information for evaluation is now available. The Committee shall evaluate the submitted materials and make a recommendation to the Director for approval or disapproval of the program. The Director shall accept or reject the recommendation of the Committee. Should the Director reject the recommendation of the Committee, the Committee shall be notified of such rejection. The Department shall notify the applicant, in writing, of the approval or disapproval of the program.

2) The applicant at whose behest a reevaluation is conducted, shall be required to submit such documentation as is necessary to substantiate his that program's assertions. In addition, the Committee may request clarification or simplification of any documentation so submitted when additional clarification will aid in the reevaluation decision. Unless the Committee in its discretion grants an extension of time on its own motion or at the request of the applicant (an extension of time will be granted when such an extension is necessary in order to effect a fair, equitable and complete reevaluation), it shall, no later than six months from the date of the request for reevaluation, either approve the program, disapprove the program for failure to satisfy the minimum requirements of subsection (a) or (b), or disapprove the program based on the fact that the Committee has not received sufficient information concerning the program.

3) Any applicant for licensure whose application was complete on or prior to the determination by the Department that a previously approved program be disapproved will be issued a license provided he/she is otherwise qualified.

g) At its first regular meeting after July 1 of each year, the Committee shall authorize the publication of a list of all programs approved and disapproved as of July 1 of that year. Concurrently, the Committee shall authorize the publication of a list of programs to be evaluated during the ensuing year which shall be composed of programs required to be evaluated pursuant to subsections (c) and (d) above and programs whose approval will expire at the end of the academic year next following. Such lists shall be provided to any person or organization making written request.

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~~h) No determination by the Department to disapprove any program previously approved shall operate to disqualify a physical therapist licensed in Illinois with respect to the license then held.~~

i) g) Reevaluation of An Approved Program

1) Any programs that have been approved by the Committee under subsections (a) or (b) shall be reevaluated at least once every 10 years.

2) Notwithstanding any other provision of this Section, the Committee may reevaluate any approved program of physical therapy education at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of subsections (a) and (b) or that its decision was based upon false, ~~or~~ deceptive or incomplete information.

3) ~~Any recommendation to approve or disapprove a program pursuant to this paragraph shall be subject to subsections (e), (f), and (g), except that, if the Committee has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program on the part of any licensee, it shall refer such matter to appropriate Department personnel for any disciplinary action which might be appropriate under the Act.~~

4) A physical therapy program whose approval is being reevaluated by the Department shall be given at least 15 days written notice, setting forth the recommendation for reevaluation and the reasons therefor, prior to any recommendation by the Committee and the officials in charge may either submit written comments or request a hearing before the Committee in accordance with 68 Ill. Adm. Code 1110.

h) The Committee shall authorize the publication of a list of all programs approved or disapproved. Such lists shall be provided to any person or organization making written request.

i) Program Evaluation

1) An applicant from a physical therapy or physical therapy assistant program that has not been evaluated shall be requested by the Department to provide documentation concerning the criteria of this Section.

2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Department will evaluate the program based on all documentation received from the school and any additional information the Department has received which it deems to be reliable.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992.)

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Section 1340.30 Application for Licensure on the Basis of Examination

a) An applicant for a physical therapist license by examination shall file an application on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

1) A complete work history indicating all employment since graduation from a physical therapy program;

2) Certification of successful completion of at least 60 semester hours or its equivalent, with courses in the biological, physical and social sciences at an accredited college or university;

3) Either:

A) Certification of successful completion of a physical therapy program signed by the Director of the Physical Therapy Program or other authorized university official and bearing the seal of the university; and/or

B) Certification that the applicant is a full-time student in the final term of an approved physical therapy program. This certification must be signed by the director or registrar of the applicant's physical therapy program (certification of graduation shall be received by the Department prior to the applicant's being issued a license); and

4) The required fee specified in Section 32(1) and (2) of the Act; and

5) ~~If supporting documentation is not in English, a certified translation must accompany them.~~

b) An applicant for a physical therapist assistant license by examination shall file an application on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

1) A complete work history indicating all employment since graduation from a physical therapist assistant program;

2) Either:

A) Certification of graduation from an approved 2 year college-level physical therapist assistant program signed by the director of the Physical Therapy Program or other authorized school official and bearing the seal of the school; or

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B) Certification that the applicant is a full-time student in his final term of an approved 2 year college-level physical therapist assistant program (Certification of graduation shall be received by the Department prior to the applicant's being issued a license); and

3) The required fee specified in Section 32 (1) and (2) of the Act.

c) Applicants for a physical therapy assistant license who can document at least two years of experience as a physical therapist assistant under the direct supervision of a licensed physical therapist may be licensed as a physical therapist assistant without taking the Department's examination if they submit a completed application, the fee required by Section 32(1), and certification of a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service prior to January 1, 1978.

d) If supporting documentation for the application is not in English, a certified translation must be included.

e) If the applicant has ever been licensed/registered in another state or territory of the United States, he/she shall also submit a certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:

- 1) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;
- 2) A description of the examination in that jurisdiction;
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b)f) An applicant for a license ~~by examination~~, who has successfully completed the examination recognized by the Department in another jurisdiction but who has not been licensed in that jurisdiction, shall file an application in accordance with subsection (a) or (b) above and have his the examination scores submitted to the Department by the reporting entity.

e)g) If the Department has reasonable questions or doubts with respect to the documentation or accuracy of any of the matters set forth in the application, the applicant will be required to appear before the Committee and/or provide such additional information as necessary.

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h) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization which allows him/her to practice under supervision in accordance with Section 2 of the Act. Supervision shall constitute the presence of the licensed physical therapist on site to provide supervision. The applicant shall not begin practice as a physical therapist or physical therapist assistant license pending until the letter of authorization is received from the Department.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992.)

Section 1340.40 Examination

a) The examination for a physical therapist license shall be a comprehensive and integrated examination including, but not limited to, ~~basic sciences, clinical sciences, and physical therapy and procedures.~~ the following topics:

- 1) Evaluation of the patient's/client's conditions.
- 2) Planning of the treatment program.
- 3) Implementation of the treatment program.
- 4) Administration.
- 5) Education and consultation.
- 6) Research.

b) The examination for a physical therapist assistant license shall be a comprehensive and integrated examination including, but not limited to, the following topics:

- 1) Examination of the patient/client.
- 2) Implementation of the treatment program.
- 3) Communication, documentation, and ethical and legal standards.

b)c) The passing grade on the written examination shall be a converted score of 75 based on 1.5 standard deviations below the mean.

e)d) An applicant who has three failures of the examination ~~conducted by the Department~~ shall be ineligible to retake the examination until such time as he/she submits certification of education on forms supplied by the Department, to the Committee that, subsequent to the third failure, the applicant he has successfully completed:

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- 1) A course of clinical education of not less than three months on a full-time basis under the direct, on site, personal supervision of a licensed physical therapist; or
- 2) A course of study of not less than forty-eight (48) classroom hours in an approved program of physical therapy; or
- 3) Any other formal professional study or training acceptable to the Committee and the Department deemed to be substantially equivalent to the above.
- e) Any person licensed in Illinois as a physical therapist or physical therapist assistant shall not be admitted to the examination. However, in no way shall this provision limit the Department's ability to require reexaminations for restoration or enforcement purposes.
- f) The provisions of this Section shall apply to all applicants upon adoption regardless of where the applicant is in the application process.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992.)

Section 1340.50 Endorsement

- a) Any applicant who is currently licensed under the laws of another state or territory of the United States and who wishes to be licensed as a physical therapist or physical therapist assistant by endorsement shall file an application with the Department, on forms provided by the Department, which shall include:
 - 1) A recent photograph not larger than 2 1/2 by 2 1/2 inches;
 - 2) For individuals licensed prior to January 1, 1982:
 - A) Certification of graduation from a school of physical education; or
 - B) Certification of graduation from an approved school of nursing; or
 - C) Certified records showing credit for at least 60 semester hours of its equivalent, with courses in biology and the physical sciences from an accredited college or university;
 - 3) Certification, on forms provided by the Department, of successful completion of an approved physical therapy or physical therapist assistant program in accordance with Section 1340.20;

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- 4) 2) A Certification from the state or territory of original licensure and the state in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains record of any disciplinary actions taken or pending, and the applicant's license number;
- 5) 3) A report of the applicant's examination record forwarded directly from the designated test reporting service as designated by the Department pursuant to Section 14 of the Act;
- 6) 4) Complete work history from since graduation from the physical therapy or physical therapist assistant program to date of application;
- 7) 5) Document indicating legal proof of name change, if applicable; and
- 8) 5) The required fee specified in Section 17-1 32 of the Act.
- b) The Department reserves the right to require such additional information which it deems necessary, including information relating to current licensure and current or recent related work experience. The applicant may be required to appear before the Physical Therapy Examining Committee to determine the substantial equivalence of the applicant's qualifications to the licensure requirements in this State.
- c) The Committee shall evaluate each application on an individual basis to determine substantial equivalence of the individual's qualifications to those in force in this State at the time of the applicant's original licensure.
- b) The Department may, in individual cases, upon recommendation of the Committee, waive the written physical therapy or physical therapist assistant examination set forth in Section 1340.40 for an applicant for endorsement, after full consideration of his/her physical therapy education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to physical therapy, and any other attribute which the Committee accepts as evidence that the applicant has outstanding and proven ability in physical therapy.
- c) The Department shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act.
- d) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

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- e) When an applicant for licensure by endorsement as a physical therapist or physical therapist assistant is notified in writing by the Department that the application is complete, the applicant may practice in Illinois for one year or until licensure has been granted or denied, whichever period of time is lesser, as provided in Section 2(4) of the Act.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992.)

Section 1340.55 Renewals

- a) Every physical therapy license issued under the Act shall expire on September 30 of each even numbered year. Every physical therapist assistant license issued under the Act shall expire on September 30 of each odd numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 31 of the Act.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992.)

Section 1340.60 Restoration

- a) A person applying for restoration of a license which has expired or been placed on inactive status for more than five years shall file an application with the Department along with the required fee and shall do one of the following:
- 1) Submit certification of current licensure from another state or territory completed by the appropriate state board, and show proof of current active practice; or
 - 2) Submit an affidavit attesting to military service as provided in Section 14 15 of the Act. If application is made within two years of discharge, and if all other provisions of Section 14 15 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or
 - 3) Pass the written examination provided for in Section 1340.40; or
 - 4) Submit evidence of recent attendance at educational programs in physical therapy or a related field, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or

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any other similar program, or evidence of recent related work experience to show that he has maintained competence in his field. When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department, the applicant ~~will~~ shall be requested to provide such information as may be necessary and/or to appear before the Committee for an oral interview.

- b) A person applying for restoration of a license which has expired for less than five years shall file an application with the Department and submit \$10 plus all lapsed renewal fees as specified in Section 17-1 32 of the Act.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992.)

Section 1340.65 Unprofessional Conduct

Pursuant to Section 17(1)(H) of the Act, ~~un~~professional conduct in the practice of physical therapy shall include but not be limited to:

- a) The promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.
- b) Directly or indirectly offering, giving, soliciting, or receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient or client.
- c) Revealing of personally identifiable facts, data or information about a patient or client obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law.
- d) Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.
- e) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that the ~~such~~ person to whom the responsibilities were delegated is not qualified by training, by experience, or by licensure to perform them.
- f) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed physical therapist.
- g) Overutilizing services by providing excessive evaluation or treatment procedures not warranted by the condition of the patient or by continuing treatment beyond the point of possible benefit.

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- 4) Announcement of the opening of, change of, or return to practice;
 - 5) Professional memberships;
 - 6) Credit arrangements and/or acceptance of Medicare/Medicaid patients and credit cards;
 - 7) Foreign language ability;
 - 8) Usual and customary fees for routine professional services which must include a statement that fees may be adjusted due to complications or unforeseen circumstances; and
 - 9) Description of offices in which licensee practices, e.g., accessibility to the disabled, convenience of parking.
- d) Information which may be untruthful, fraudulent, deceptive or misleading includes, but is not limited to, that which:
- 1) Contains an offer to treat patients independent of referrals or a current and relevant diagnosis from a physician, dentist or podiatrist;
 - 2) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
 - 3) Guarantees favorable results or creates false or unjustified expectations of favorable results;
 - 4) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;
 - 5) Contains testimonials and/or exaggerations pertaining to the quality of physical therapy care;
 - 6) Describes as available products or services which are not permitted by the laws of this State or applicable Federal laws; and
 - 7) Advertises professional services which the licensee is not licensed to render.

(Source: Added at 16 Ill. Reg. 3175, effective February 18, 1992)

Section 1340.70 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he or she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;

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- h) Making gross or deliberate misrepresentations or misleading claims as to his professional qualifications or of the efficacy or value of the his treatments or remedies given or recommended, or those of another practitioner.
- i) Gross and willful and continued overcharging for professional services including filing false statements for collection of fees for which services are not rendered.
- j) Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.
- k) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting which is considered fraudulent or misleading shall include, but not be limited to:
 - 1) Advertising by means of testimonials, anecdotal reports of physical therapy practice successes or claims of superior quality of care to entice the public; or
 - 2) Advertising which contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements which play upon vanities or fears of the public or statements which promote or produce unfair competition.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992)

Section 1340.66 Advertising

- a) Persons licensed to practice physical therapy in the State of Illinois may advertise in any medium or other form of public communications in a manner which presents information to the public in a truthful, direct, dignified and readily comprehensible manner.
- b) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee and a recording of the actual transmission, including videotape, shall be retained by the licensee for 3 years.
- c) Information which may be contained in advertising shall include, but not be limited to:
 - 1) Licensee's name, address, office hours and telephone number;
 - 2) Schools attended;
 - 3) Announcement of additions to or deletions from professional staff;

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- 2) No party will be injured by the granting of the variance; and
- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Committee of the granting of such the variance, and the reasons therefor, at the next meeting of the Committee.

(Source: Amended at 16 Ill. Reg. 3175, effective February 18, 1992)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Interior Design Profession Title Act
- 2) Code Citation: 68 Ill. Adm. Code 1255
- 3) Section Numbers: Adopted Action:

1255.10	New Section
1255.20	New Section
1255.30	New Section
1255.40	New Section
1255.50	New Section
1255.60	New Section
1255.70	New Section
1255.80	New Section
1255.90	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1990 Supp., ch. 111, par. 8201 et seq., as amended by P.A. 87-756, effective October 3, 1991.
- 5) Effective Date of Rules: February 18, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 14, 1992
- 9) Date Notice of Proposal Published in Illinois Register: December 2, 1991, at 15 Ill. Reg. 17030
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
Only technical changes were made in response to comments made by the Administrative Code Division.
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? The Department has made all the changes to which it agreed with the Joint Committee.
- 13) Will these Rules replace Emergency Rules currently in effect? Yes
- 14) Are there any Amendments pending on this Part? No

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- 15) Summary and Purpose of Rules: This rulemaking provides requirements and procedures for persons seeking registration in Illinois as interior designers.

Section 1255.10 gives procedures for persons seeking registration without examination under grandfather provisions of the Act.

Other Sections provide rules on applying for registration, determining approved interior design education programs, defining full-time diversified professional experience, obtaining registration by endorsement, renewing registration, notifying the Department of Professional Regulation of a desire to have registration placed on inactive status, applying for restoration of registration and granting variances.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1255

INTERIOR DESIGN PROFESSION TITLE ACT

Section	
1255.10	Application for Registration Under Section 8(c) of the Act (Grandfather)
1255.20	Application for Registration
1255.30	Approved Programs of Interior Design
1255.40	Full-time Diversified Professional Experience
1255.50	Endorsement
1255.60	Renewal
1255.70	Inactive Status
1255.80	Restoration
1255.90	Granting Variances

AUTHORITY: Implementing the Interior Design Profession Title Act (Ill. Rev. Stat. 1990 Supp., ch. 111, par. 8201 et seq., as amended by P.A. 87-756, effective October 3, 1991) and authorized by Section 60(7) of the Civil Administrative Code of Illinois, (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Emergency rules adopted at 15 Ill. Reg. 17411, effective November 19, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 3194, effective February 18, 1992.

Section 1255.10 Application for Registration Under Section 8(c) of the Act (Grandfather)

- a) Any person seeking registration without examination under Section 8(c) of the Interior Design Profession Title Act (P. A. 86-1404, effective July 1, 1991) (the "Act") shall file an application with the Department of Professional Regulation (the "Department") on forms provided by the Department. The application shall be postmarked no later than midnight June 30, 1992, and shall include the following:

- 1) Verification, on forms provided by the Department, or documentation of at least 8 years of full-time, diversified professional experience in interior design as defined in Section 3(f) of the Act and Section 1255.40 of this Part; or
- 2) Verification, on forms provided by the Department, or documentation of a combination of full-time, diversified professional experience as defined in Section 3(f) of the Act and Section 1255.40 of this Part and interior design education as set forth in Section 1255.30 to equal 8 years.
- 3) A complete work history;

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4) The required fee set forth in Section 11(a) of the Act; and

Section 1255.20 Application for Registration

5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:

a) An applicant for registration as an interior designer shall file an application, on forms provided by the Department, which includes the following:

A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the registration;

1) Certification submitted to the Department from the National Council for Interior Design Qualifications (NCIDQ) indicating the successful completion of the NCIDQ examination;

B) A description of the examination in that jurisdiction; and

2) Proof of Education/Experience

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

A) Certification of graduation and official transcripts from a 5 year interior design program as set forth in Section 1255.30 and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or

b) Education shall be from an accredited college, school or university offering a program in interior design and include the curriculum set forth in Section 1255.30.

B) Certification of graduation and official transcripts from an approved 4 year interior design program and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or

c) Experience shall be documented in one or more of the following ways:

1) Certification of experience, on forms provided by the Department;

C) Certification of completion and official transcripts of at least 3 years of interior design curriculum from an approved program and at least 3 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or

2) Submission of three affidavits from clients, peers or colleagues familiar with the applicant's work;

3) Submission from a professional interior design organization that the applicant has an active professional status in the organization. The Department, upon recommendation of the Board of Interior Design Professionals (the "Board"), has determined that 6 years of credit toward education and experience will be granted an applicant who holds professional status in one of the following organizations: American Society of Interior Designers (ASID); the Interior Design Society (IDS); the Institute of Business Designers (IBD); the International Society of Interior Designers (ISID); Institute of Store Planners (ISP); and the Governing Board for Contract Interior Design Standards.

3) A complete work history; and

4) The fee required by Section 11(a)(1) of the Act.

b) An individual who holds an active license as an architect in Illinois pursuant to the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, part 3401 et seq.) shall be issued a certificate of registration as an interior designer without examination as provided in Section 8(d) of the Act upon payment of a fee of \$40.00.

Section 1255.30 Approved Programs of Interior Design

1) Provide such information as may be necessary; and/or

a) The Department shall, upon recommendation of the Board, approve an interior design program if it meets the following minimum criteria:

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

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- 1) The educational institution is/was legally recognized and authorized, through appropriate agencies such as a ministry of education or higher education governing board, by the jurisdiction in which it is located at the time the degree/certificate was obtained to confer any of the degrees/certificates required for registration in accordance with Section 8 of the Act;
- 2) Permanent student records are maintained by the institution which summarize the credentials for admission, attendance, grades and other records of performance;
- 3) The program has a designated director and a sufficient number of instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by degrees in their area(s) of teaching from professional colleges or institutions;
- 4) The curriculum is at least 2 academic years that provides educational experience with practical application encompassing:
 - A) Drafting
 - B) Two-Dimensional Design
 - C) Three-Dimensional Design
 - D) Design and Composition Fundamentals
 - E) Color Theory
 - F) Fundamentals of Residential Design
 - G) Fundamentals of Non-Residential Design
 - H) Building Systems
 - I) Materials
 - J) Codes and Ordinances
 - K) Presentation Skills
 - L) Business Practices and Management
 - M) History of Art, Architecture and Design

- 5) A 2 year program shall include 4 or more of the above courses set forth in subsection (4) above and be a minimum of 60 semester hours;
- 6) A 3 year program shall include 6 or more of the above courses set forth in subsection (4) above and be a minimum of 90 semester hours;
- 7) A 4 or 5 year program shall include 8 or more of the courses set forth in subsection (4) above and be a minimum of 120 semester hours.

- b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Foundation for Interior Design Education Research (FIDER).

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- c) The Department has determined that all interior design programs accredited or approved by FIDER as of July 1, 1991, meet the minimum criteria set forth in this Section and are, therefore, approved.

Section 1255.40 Full-time Diversified Professional Experience

- a) Full-time diversified professional experience in interior design shall meet the minimum requirements as defined in Section 3(f) of the Act and shall be in any one or combination of the following interior design related fields:

- 1) Commercial Design
- 2) Institutional/Educational
- 3) Governmental
- 4) Hospitality/Restaurant
- 5) Facilities Management
- 6) Residential Design
- 7) Kitchen/Bath
- 8) Store Planning/Retail
- 9) Industrial/Manufacturing
- 10) Health Care

- b) All experience shall have been acquired after completion of a minimum of 2 years of a design or interior design related education program. This subsection does not apply to applicants applying pursuant to Section 1255.10 of this Part.
- c) "Full-time" experience is defined as a minimum of 1,800 hours during a 12 month period. No more than one year credit will be given in a 12 month period.
- d) "Part-time" experience is defined as a minimum of 900 hours during a 12 month period. No more than one half year credit will be given in a 12 month period.
- e) Approved professional experience consists of successful performance of work relating to interior design services as described in Section 3(f) of the Act verified by a supervising interior designer, architect or owner/manager in an interior design setting.
- f) One year of experience will be granted for 2 academic years of full-time teaching experience as defined by the institution in an approved interior design program. A maximum of one year of experience for teaching will be awarded. Any teaching experience claimed must be validated by an official of the school offering the design program.
- g) An applicant cannot earn more than 40 hours per week of approved experience (i. e., overtime does not qualify for additional approved experience).

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Section 1255.50 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to register as an interior designer shall file an application with the Department, on forms provided by the Department, which includes:

1) Certification of an interior design degree from a program approved by the Department in accordance with Section 1255.30 of this Part or prior to July 1, 1991, meeting education/experience requirements set forth in Section 1255.10 of this Part;

2) Certification of professional experience as set forth in Section 1255.40 of this Part;

3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:

- A) The time during which the applicant was licensed/registered;
 B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and
 C) Examination(s) taken and examination score(s) received;

4) A complete work history; and

5) The required fee as set forth in Section 11(a)(3) of the Act.

- b) In lieu of subsections (a)(1) and (2), the Department shall accept certification from the National Council for Interior Design Qualification.

c) The Department may require additional information to determine:

1) if the requirements in the state, territory of the United States or foreign country at the time the applicant was licensed/registered were substantially equivalent to the requirements then in effect in Illinois; or

2) if the requirements of another state, territory of the United States or foreign country together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application.

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- d) The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the National Council of Interior Design Qualifications; education, training, and experience, including, but not limited to, whether the applicant has had special honors or awards, has had articles published in professional journals or has written textbooks relating to interior design; and any other attribute which the Director of the Department accepts as evidence that the applicant has outstanding and proven ability in interior design.

- e) The Department shall either issue registration by endorsement or notify the applicant in writing of the reasons for denying the application.

Section 1255.60 Renewal

- a) The first renewal period for registration issued under the Act shall be August 31, 1993. Thereafter every registration issued under the Act shall expire on August 31 of odd-numbered years. The holder of a registration may renew such registration during the month preceding the expiration date by paying the required fee.

- b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.

Section 1255.70 Inactive Status

- a) Registered interior designers who notify the Department in writing on forms provided by the Department may elect to place their registration on inactive status and shall be excused from the payment of renewal fees until they notify the Department in writing of the desire to resume active status.

- b) Any registered interior designer seeking restoration from inactive status shall do so in accordance with Section 1255.90 of this Part.

- c) Any person whose registration is on inactive status shall not use the title "interior designer" in the State of Illinois.

Section 1255.80 Restoration

- a) Any interior designer whose registration has expired or has been placed on inactive status for 5 years or less may have the certificate of registration restored by paying the fees required by Section 11(5) of the Act.

- b) Any person seeking restoration of a certificate of registration which has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 11(5) of the Act. The applicant shall also submit either:

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- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 9 of the Act; or
 - 3) Proof of passage of the NCIDQ examination during the period the registration was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation, or the relevance of sufficiency of the course work or experience is questioned by the Department, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant seeking restoration of a registration shall be required to:
- 1) Provide such information as may be necessary; and/or
 - 2) Explain such relevance or sufficiency during an oral interview; or
 - 3) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act.
- d) Upon the recommendation of the Board, and approval by the Director, an applicant shall have his/her registration restored or be notified in writing of the reason for denying the application.

Section 1255.90 Granting Variances

- a) The Director of the Department may grant variances from these rules in individual cases when he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of Interior Design Professionals of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Real Estate License Act of 1983
- 2) Code Citation: 68 Ill. Adm. Code 1450
- 3) Section Numbers: Adopted Action:
1450.175 New Section
- 4) Statutory Authority: Public Act 86-1276, effective January 1, 1991.
- 5) Effective Date of Amendments: February 14, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 10, 1992
- 9) Date Notice of Proposal Published in Illinois Register: October 11, 1991, at 15 Ill. Reg. 14375
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. Deleted "promptly" from Section 1450.175(c)(6)(A).
2. Replaced "(E)(v)" with "(F)(v)" in Section 1450.175(c)(3)(E).

Subsection (d)(2)(B) was changed to require an attorney seeking approval as a continuing education instructor to have taught pre-licensure real estate courses or to have been engaged in real estate related work as part of his/her active practice of law for at least the last three years.

In addition, various typographical, grammatical and form changes were made.

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? The Department has made all the changes to which it agreed with the Joint Committee.
- 13) Will these Amendments replace an Emergency Amendment currently in effect?
No
- 14) Are there any Amendments pending on this Part? No

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Beginning with the March 31, 1993, license renewal for real estate salespersons and the January 31, 1994, renewal for brokers, each licensee will be required to complete at least 12 hours of continuing education during each two-year renewal period from a sponsor approved by the Department of Professional Regulation.

This rulemaking sets forth the following: Criteria and procedures for the approval of continuing education sponsors, programs and instructors; procedures for renewal of sponsor and instructor status; withdrawal of approval; CE course content; post-course examination requirements; self-study CE programs, proctoring of self-study CE post-course examinations; procedures for applying for credit for CE completed out of state from non-approved sponsors; waiver of CE requirements; and certification of compliance with CE requirements. Also, an annual fee of \$15 has been established for the approval of CE instructors.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450

REAL ESTATE LICENSE ACT OF 1983

SUBPART A: GENERAL RULES

Section	
1450.10	Definitions
1450.11	Educational Requirement of Broker Applicant Licensed as an Illinois Real Estate Salesperson (Renumbered)
1450.12	Educational Requirements for a Baccalaureate Degree with a Minor in Coursework in Real Estate (Renumbered)
1450.15	Salesperson and Broker Examinations
1450.17	Applications for Salespersons and Brokers Licenses by Examination
1450.18	Sponsor Card
1450.19	Inoperative Salespersons and Brokers Licenses
1450.20	Managing Broker Responsibilities
1450.25	Branch Offices
1450.30	Corporations and Partnerships
1450.40	Special Accounts (Escrow Accounts)
1450.50	Disclosure
1450.55	Agency Disclosure Pursuant to Section 18.2 of the Act
1450.60	Employment Contracts
1450.70	Listing Agreements
1450.80	Written Agreements
1450.90	Advertising
1450.100	Discrimination
1450.110	Unworthiness or Incompetence to Act as a Broker or Salesperson
1450.120	Hearings
1450.140	Assumed Name
1450.150	Reciprocal Licensure
1450.170	Rental Finding Services
1450.175	Continuing Education
1450.180	Renewals
1450.185	Granting Variances
1450.190	Procedure to Contest An Automatic Termination
1450.195	Penalties for Criminal Acts
1450.200	Real Estate Recovery Fund

SUBPART B: SCHOOL RULES

1450.210	Approval of Schools (Repealed)
1450.215	Home Study/Correspondence Programs
1450.220	Definition of Class Hour and Credit Hour (Repealed)

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- 1450.230 Educational Requirement of Broker Applicant Who is a Licensed Illinois Real Estate Salesperson (Renumbered)
- 1450.240 Class Attendance Requirements
- 1450.250 Requirements for Minor in Real Estate (Renumbered)
- 1450.260 Qualification of Applicants Under 21 Years of Age (Repealed)
- 1450.270 Educational Requirements for Reinstatement of License (Repealed)
- 1450.275 Recruitment at Test Center
- 1450.280 Approval of Schools
- 1450.290 Withdrawal of Approval
- APPENDIX A Penalties for Criminal Acts (Repealed)

AUTHORITY: Subpart A implementing Section 9 of Real Estate License Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 5808) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)); Subpart B implementing Sections 4(17) and 11 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 5804 and 5811) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 140 days; amended at 6 Ill. Reg. 8221, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992.

Section 1450.175 Continuing Education

a) Continuing Education Hour Requirements

- 1) Pursuant to Article 3 of the Act, beginning with the March 31, 1993, renewal of licensure for salespersons and the January 31, 1994, renewal of licensure for brokers, and every renewal thereafter, each licensee who is required to comply with continuing education (CE) shall complete during each pre-renewal period a minimum of 12 hours of CE that is relevant to the practice of real estate as set forth in subsection (b)(3) below and is approved by the Real Estate Education Advisory Council ("Advisory Council").

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- 2) For salespersons, a pre-renewal period is the 24 months preceding March 31 of the year of the renewal. For brokers, a pre-renewal period is the 24 months preceding January 31 of the year of the renewal.
- 3) Pursuant to Section 37.1 of the Act, CE requirements apply only to those licensees who obtained initial licensure in Illinois on or after January 1, 1977. Individuals licensed in Illinois prior to January 1, 1977, either as salespersons or brokers, are exempt from the CE requirements. Continuous licensure is not required to be eligible for this exemption. However, if a license has been nonrenewed for a period of 5 years or more, the date of initial licensure, for purposes of this Section, shall be the date of licensure after that nonrenewed period.
- 4) A renewal applicant is not required to comply with the CE requirements for the first renewal following the original issuance of either the salesperson or broker license.
- 5) Salespersons and brokers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 37.1 of the Act or subsections (a)(3) and (4) above.
- 6) The Department shall conduct random audits to verify compliance with this Section.
 - b) Approved Continuing Education
 - 1) CE credit may be earned for verified attendance at or participation in a course which is offered by an approved CE sponsor who meets the requirements set forth in subsection (c) below.
 - 2) CE credit may also be earned for completion of a self-study course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below.
 - 3) Pursuant to Section 37.4 of the Act, the CE requirement shall be satisfied by successful completion of the following:
 - A) Mandatory category. A minimum of 6 hours of CE in any one or more of the following mandatory courses:
 - i) License law and escrow;
 - ii) Anti-trust;
 - iii) Fair housing; and
 - iv) Agency.
 - B) Elective category. A maximum of 6 hours of CE in the following elective courses:

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- i) Appraisal;
- ii) Property management;
- iii) Residential brokerage;
- iv) Farm property management;
- v) Rights and duties of sellers, buyers and brokers;
- vi) Commercial brokerage and leasing;
- vii) Financing; and
- viii) Other CE courses approved by the Advisory Council (e.g., real estate tax laws).

4) Pursuant to Section 37.3(b) of the Act, one hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination as set forth in subsection (b)(6) below.

5) Each CE course shall include one or more subjects from the mandatory category or elective category set forth in subsection (b)(3)(A) or (b)(3)(B), where the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the mandatory or elective category. In no case shall topics from the mandatory and elective category be intermingled within the same three-hour period. The sponsor shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.

6) Each CE course shall include the successful completion of an examination which measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination may be given either at the end of each individual course or it may be given at the end of the sequence of courses so long as the examination covers all aspects of the course material.

B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved sponsor and shall include at least 25 questions for each three-hour increment of CE earned. No course material, notes, or other aides shall be referred to during the examination by the student with the exception of amortization tables, tax tables and calculators.

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C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The sponsor shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for that CE course unless the entire course is retaken and the examination is successfully completed.

7) Self-study CE shall comply with all of the requirements of this Section, except that:

A) Verified attendance is only required for taking the examination.

B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.

C) Acceptable self-study materials include, but are not limited to, reading material and audio/video cassettes.

D) The examination site for self-study CE shall be determined by the sponsor, and it shall be proctored by a representative of the approved sponsor. An approved instructor is not required to proctor the examination.

8) All CE courses shall:

A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of real estate;

B) Provide experiences (e.g., role playing, lectures, films) which contain subject matter and course materials relevant to that set forth in Section 37.4 of the Act; and

C) Be developed and presented by persons with education and/or experience in the subject matter of the CE course.

9) Nothing shall prohibit an approved sponsor and its instructors from utilizing audio-visual aides or satellite communications with two-way voice interaction in assisting in the presentation of CE courses.

10) Pursuant to Section 37.4, a maximum of 6 hours of CE credit per prenewal period may be earned by an approved instructor for teaching an approved CE course or pre-license course. One hour of teaching is equal to one hour of CE.

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11) As provided for in Section 37 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a \$25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the sponsor and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a closed book, proctored examination. In determining whether the sponsor and CE course are substantially equivalent, the Advisory Council shall use the criteria in Article III of the Act and this Section.

12) CE credit shall not be given for CE courses taken in Illinois from sponsors not pre-approved by the Department.

c) Continuing Education Sponsors and Courses

1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, real estate school approved under Article I of the Act, or any other group which has been approved and authorized by the Department upon the recommendation of the Advisory Council to coordinate and present CE courses.

2) Those entities seeking approval as CE sponsors shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.

A) The CE sponsor's office may be subject to inspection by authorized representatives of the Department during regular working hours when the Department has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.

B) The Department shall, upon an on-site inspection of an out-of-state sponsor, be reimbursed by the sponsor for all expenses incurred by the inspector in the course of the inspection.

3) Entities seeking approval as CE sponsors shall file a sponsor application, on forms provided by the Department, along with the required fee set forth in Section 37.5 of the Act. The application shall include the following:

A) A list of all CE courses that the sponsor is planning to offer during the 12 month period following approval;

B) The description, location, date and time of each CE course to be offered;

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C) A list of all instructors the sponsor plans to utilize in the offering of CE courses. Such list shall include the instructor's name, address, and approval number;

D) A copy of a certificate of attendance planned to be used which meets the requirements set forth in Section 37.5 of the Act;

E) As provided in Section 37.5(m) of the Act, an approved sponsor shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (c)(3)(F)(v) below.

F) On the application the sponsor shall certify to the following:

i) That the content areas of all CE courses offered by the sponsor for CE credit will conform to those listed in Section 37.4(a) and (b) of the Act and that CE sponsors shall not offer for approved credit any of the courses set forth in Section 37.9 of the Act;

ii) That all CE courses offered by the sponsor for CE credit will comply with the criteria in this Section;

iii) That the sponsor shall be responsible for verifying attendance at each CE course and provide a certificate of completion signed by the sponsor which meets the requirements of Section 37.5 of the Act. The sponsor shall maintain these records for not less than 5 years and shall make these records available for inspection by the licensee or the Department or its designee during regular business hours;

iv) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section and Section 37.5 of the Act. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

v) That each sponsor shall submit to the Department a written notice of a CE course 30 days prior to the CE course date if such program was not listed in the application or any subsequent renewal application. The notice shall include the description, location date and time of the CE course to be offered;

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- vi) That the sponsors shall only offer CE in an environment which is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendee(s). This does not apply to self-study CE courses; and
 - vii) That financial resources are available to equip and maintain its office in a manner necessary to enable the sponsor to comply with Article III of the Act, this Section and this Part, documented by a current balance sheet, an income statement or any such similar evidence as requested by the Department.
- 4) Real estate schools approved to offer the courses required by Article I of the Act shall be deemed to be approved to offer CE programs upon completion of an application for approval and the submission of the \$2,000 fee required by Section 37.5 of the Act. Any college or university exempt from paying a fee for school approval under Article I of the Act is also exempt from paying the fee to become an approved continuing education sponsor under Article III of the Act.
- 5) Within 30 days after the action by the Advisory Council, the Department shall issue approval to the sponsor or notify such sponsor, in writing, why approval cannot be issued.
- 6) Approved CE sponsors shall comply with the following:

- A) No approved sponsor shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. Sponsors and instructors shall report to the Department any efforts to recruit licensees.
- B) No approved sponsor shall advertise that it is endorsed, recommended, or accredited by the Department. Such sponsor, however, may indicate that the sponsor and the CE course have been approved by the Department.
- C) Approved sponsors shall utilize in the teaching of approved CE courses only instructors who have been approved by the Department.
- D) Approved sponsors shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved sponsors shall specify the number of mandatory and elective CE course hours that may be earned as set forth in subsections (b)(3)(A) and (b)(3)(B) above.

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- E) All CE courses given by approved sponsors shall be open to all licensees and not be limited to members of a single organization or group.
- 7) The sponsor shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved in accordance with Section 37.5 of the Act.
- 8) To maintain approved sponsor status, each sponsor shall submit annually during the 30 days preceding April 1 a sponsor renewal application along with the required fee set forth in Section 37.5 of the Act. The sponsor shall be required to submit to the Department with the renewal application the following:
 - A) A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.
 - B) A list of those instructors the sponsor plans to utilize. This list shall include the name, address, and instructor approval number for each.

d) Continuing Education Instructors

- 1) An applicant seeking approval from the Department to become an approved CE instructor shall submit a completed application, on forms provided by the Department, along with the \$15 fee as provided for in Section 37.5 of the Act.
- 2) An individual applying to become an approved CE instructor shall meet the following criteria, as provided for in Section 37.5(i) of the Act:
 - A) Has held a real estate brokers license for at least the last three years and has been engaged in active practice as a real estate broker; or
 - B) Is currently admitted to practice law and for three years has been engaged in real estate related work as part of his/her active practice of law or has taught pre-licensure real estate courses; or
 - C) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least three years; or as evidenced by a professional designation, such as but not limited to a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or

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- D) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not including real estate salespersons) and for at least three years has been engaged in such practice; or
- E) Is qualified by experience or education, or both, to teach CE pursuant to the provisions of this Section. In determining whether a person is qualified to teach CE under this Section, the Commissioner shall consider the following:
- i) The individual's teaching experience;
 - ii) The individual's real estate experience;
 - iii) Any real estate, business or legal education of the individual; and
 - iv) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state).
- F) Any applicant who the Commissioner has determined does not meet the requirements of subsection (d)(2)(E) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Director for approval or disapproval of the applicant as a CE instructor. The Department shall issue approval to the applicant or notify the applicant in writing of the reasons approval cannot be issued.
- 3) Instructors approved to teach salesperson and broker pre-license courses, pursuant to Section 1450.280 of this Part, are deemed approved as CE instructors as long as they maintain their approval under Section 1450.280 of this Part, submit an application to the Department for approval and pay the \$15 fee as provided for in Section 37.5 of the Act.
 - 4) Within 30 days after receipt of an application, the Department shall issue approval to the applicant or notify such applicant in writing why approval cannot be issued.
 - 5) To maintain approved status, CE instructors shall submit annually during the 30 days preceding April 1 an instructor renewal application, on forms provided by the Department, along with the \$15 fee as provided for in Section 37.5 of the Act.

e) Withdrawal of Approval

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- 1) Upon written recommendation of the Advisory Council, the Department shall withdraw, suspend or place on probation the approval of an approved CE sponsor or an approved CE instructor when, at any time, the quality of the CE fails to meet the established criteria as set forth in this Section and Article III of the Act or if sponsorship or instructor approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.
 - 2) If the Department or Advisory Council has reason to believe there has been fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a sponsor or instructor, it shall refer such matter to the appropriate personnel for investigation and any disciplinary action which might be appropriate under the Act in accordance with 68 Ill. Adm. Code 1110.
- f) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). Such evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
 - 3) In the context of an audit, the Department shall accept verification (e.g., original transcript, certificate) submitted directly from the sponsor on behalf of the renewal applicant as proof of CE completed.
 - 4) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Disciplinary Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 101(6)).
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with a \$25 waiver processing fee and the renewal fee set forth in Section 15 of the Act.

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2) Pursuant to Section 37.8(c) of the Act, to be granted an interview before the Advisory Council with respect to a request for waiver, the interview must be requested at the time the request for such waiver is filed with the Department. The renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

3) CE requirements shall automatically be waived for those persons listed as exempt pursuant to Section 37.1 of the Act and subsections (a)(3) and (a)(4) above.

(Source: Added at 16 Ill. Reg. 3204, effective February 14, 1992)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATE OF ILLINOIS CENTER

ROOM 16-503

CHICAGO, ILLINOIS

10:00 A.M.

MARCH 3, 1992

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at its March meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500

Springfield, Illinois 62701

AGENDA

I. Approval of February 4, 1992 Minutes

II. Review of Proposed Agency Rulemaking

Department of Central Management Services

1. Travel (80 Ill. Adm. Code 2800)
 - First Notice Published: 15 Ill. Reg. 15199 - 10-25-91
 - Expiration of Second Notice Period: 3-20-92
2. Day Care (89 Ill. Adm. Code 1300)
 - First Notice Published: 15 Ill. Reg. 5141 - 4-12-91
 - Expiration of Second Notice Period: 4-2-92

Department of Commerce and Community Affairs

3. Uniform Fiscal and Administrative Standards for the Job Training Partnership Act (56 Ill. Adm. Code 2630)
 - First Notice Published: 15 Ill. Reg. 11545 - 8-16-91
 - Expiration of Second Notice Period: 3-25-92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Commissioner of Banks and Trust Companies

4. Administration of Collateral Obtained in Collection of a Debt (38 Ill. Adm. Code 354)
-First Notice Published: 15 Ill. Reg. 3614 - 3-15-91
-Expiration of Second Notice Published: 3-13-92
5. Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions (38 Ill. Adm. Code 307)
-First Notice Published: 15 Ill. Reg. 3611 - 3-15-91
-Expiration of Second Notice Period: 3-13-92

Commissioner of Savings and Loan Associations

6. Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400)
-First Notice Published: 15 Ill. Reg. 14394 - 10-11-91
-Expiration of Second Notice Period: 3-13-92

Commissioner of Savings and Residential Finance

7. Savings Bank Act (38 Ill. Adm. Code 1075)
-First Notice Published: 15 Ill. Reg. 14406 - 10-11-91
-Expiration of Second Notice Period: 3-13-92

Department of Conservation

8. Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)
-First Notice Published: 15 Ill. Reg. 17817 - 12-13-91
-Expiration of Second Notice Period: 3-16-92

9. Fish Removal with Chemicals (17 Ill. Adm. Code 890)
-First Notice Published: 15 Ill. Reg. 17811 - 12-13-91
-Expiration of Second Notice Period: 3-16-92

10. Personal Use of State Telephones (44 Ill. Adm. Code 5030)
-First Notice Published: 15 Ill. Reg. 18013 - 12-20-91
-Expiration of Second Notice Period: 3-23-92

11. Competitive Tournament Fishing on State Owned and/or Leased Water Areas (17 Ill. Adm. Code 115)
-First Notice Published: 15 Ill. Reg. 18045 - 12-20-91
-Expiration of Second Notice Period: 3-23-92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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12. Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions (17 Ill. Adm. Code 150)
-First Notice Published: 15 Ill. Reg. 18055 - 12-20-91
-Expiration of Second Notice Period: 3-23-91

Governor's Purchase Care Review Board

13. Governor's Purchased Care Review Board (89 Ill. Adm. Code 900)
-First Notice Published: 15 Ill. Reg. 12989 - 9-6-91
-Expiration of Second Notice Period: 3-6-92

Human Rights Commission

14. Procedural Rules (56 Ill. Adm. Code 5300)
-First Notice Published: 15 Ill. Reg. 10521 - 7-19-91
-Expiration of Second Notice Period: 4-2-92

Illinois Commerce Commission

15. Cellular Radio Exclusion (83 Ill. Adm. Code 760)
-First Notice Published: 15 Ill. Reg. 16535 - 11-15-91
-Expiration of Second Notice Period: 3-12-92

16. Construction of Electric Power and Communication Lines (G.O. 160) (83 Ill. Adm. Code 305)
-First Notice Published: 15 Ill. Reg. 16538 - 11-15-91
-Expiration of Second Notice Period: 3-16-92

Illinois Community College Board

17. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
-First Notice Published: 15 Ill. Reg. 18022 - 12-20-91
-Expiration of Second Notice Period: 3-30-92

Department of Insurance

18. Premium Fund Trust Account (50 Ill. Adm. Code 3113)
-First Notice Published: 15 Ill. Reg. 15244 - 10-25-91
-Expiration of Second Notice Period: 3-9-92

Department of Public Aid

19. Repeal of Drug Manual (89 Ill. Adm. Code 141)
-First Notice Published: 15 Ill. Reg. 12132 - 8-30-91
-Expiration of Second Notice Period: 3-6-92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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20. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 15 Ill. Reg. 13274 - 9-13-91
-Expiration of Second Notice Period: 3-19-92
21. Medical Payment (89 Ill. Adm. Code 140.94 and 140.95)
-First Notice Published: 15 Ill. Reg. 15933 - 11-8-91
-Expiration of Second Notice Period: 4-2-92
22. Medical Payment (89 Ill. Adm. Code 140.530 to 140.835)
-First Notice Published: 15 Ill. Reg. 15933 - 11-8-91
-Expiration of Second Notice Period: 4-2-92
23. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)
-First Notice Published: 15 Ill. Reg. 15940 - 11-8-91
-Expiration of Second Notice Period: 4-2-92
24. Hospital Services (89 Ill. Adm. Code 112)
-First Notice Published: 15 Ill. Reg. 15928 - 11-8-91
-Expiration of Second Notice Period: 4-2-92
25. Illinois Competitive Access and Reimbursement Equity (ICARE) Program (89 Ill. Adm. Code 149)
-First Notice Published: 15 Ill. Reg. 15931 - 11-8-91
-Expiration of Second Notice Period: 4-2-92
26. Developmental Disabilities Services (89 Ill. Adm. Code 144)
-First Notice Published: 15 Ill. Reg. 15926 - 11-8-91
-Expiration of Second Notice Period: 4-2-92

Illinois Racing Board

27. Security Barns (11 Ill. Adm. Code 436)
-First Notice Published: 15 Ill. Reg. 15655 - 11-1-91
-Expiration of Second Notice Period: 3-20-92

Department of Rehabilitation Services

28. Non-Financial Eligibility Criteria (89 Ill. Adm. Code 685)
-First Notice Published: 15 Ill. Reg. 16896 - 11-22-91
-Expiration of Second Notice Period: 3-25-92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Revenue

29. Repeat of Messages Tax (86 Ill. Adm. Code 490)
-First Notice Published: 15 Ill. Reg. 16913 - 11-22-91
-Expiration of Second Notice Period: 3-9-92
30. The Public Utilities Revenue Act (86 Ill. Adm. Code 510)
-First Notice Published: 15 Ill. Reg. 16932 - 11-22-91
-Expiration of Second Notice Period: 3-9-92

State Fire Marshal

31. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 170)
-First Notice Published: 15 Ill. Reg. 10875 - 7-26-91
-Expiration of Second Notice Period: 3-13-92

Department of Transportation

32. Qualification of Drivers (92 Ill. Adm. Code 391)
-First Notice Published: 15 Ill. Reg. 16653 - 11-15-91
-Expiration of Second Notice Period: 3-9-92

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Budget Act Rulemakings

Department on Aging

33. Community Care Program (89 Ill. Adm. Code 240) (EBA)
-Notice Published: 16 Ill. Reg. 2630 - 2-14-92
34. Community Care Program (89 Ill. Adm. Code 240) (EBA)
-Notice Published: 16 Ill. Reg. 2901 - 2-21-92

Department of Mental Health and Developmental Disabilities

35. Grants (59 Ill. Adm. Code 103) (EBA)
-Notice Published: 16 Ill. Reg. 2643 - 2-14-92
36. Individual Care Grants for Mentally Ill Children (59 Ill. Adm. Code 135) (EBA)
-Notice Published: 16 Ill. Reg. 2648 - 2-14-92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

37. Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (59 Ill. Adm. Code 120) (EBA)
-Notice Published: 16 Ill. Reg. 2652 - 2-14-92
38. Mental Health Clinic Program Standards and Provider Requirements (59 Ill. Adm. Code 130) (EBA)
-Notice Published: 16 Ill. Reg. 2656 - 2-14-92
39. Minimum Standards for Certification of Developmental Training Program (59 Ill. Adm. Code 119) (EBA)
-Notice Published: 16 Ill. Reg. 2662 - 2-14-92
40. Recipient Discharge/Linkage/Aftercare (59 Ill. Adm. Code 125) (EBA)
-Notice Published: 16 Ill. Reg. 2672 - 2-14-92
41. Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill. Adm. Code 115) (EBA)
-Notice Published: 16 Ill. Reg. 2676 - 2-14-92

Department of Rehabilitation Services

42. Application Process (89 Ill. Adm. Code 683) (EBA)
-Notice Published: 16 Ill. Reg. 2688 - 2-14-92
43. Fiscal Year 1992 Emergency Budgetary Changes (89 Ill. Adm. Code 674) (EBA)
-Notice Published: 16 Ill. Reg. 2690 - 2-14-92

V. Review of Emergency Rulemaking and Peremptory Rulemakings

Abandoned Mined Lands Reclamation Council

44. Abandoned Mined Lands Reclamation Council (62 Ill. Adm. Code 2501) (Emergency)
-Notice Published: 16 Ill. Reg. 2897 - 2-21-92

Department of Agriculture

45. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125) (Peremptory)
-Notice Published: 16 Ill. Reg. 1899 - 1-31-92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Commissioner of Savings and Loan Association

46. Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 450) (Emergency)
-Notice Published: 16 Ill. Reg. 2915 - 2-21-92

Prairie State 2000 Authority

47. Individual Training Assistance Program (56 Ill. Adm. Code 5400) (Emergency)
-Notice Published: 16 Ill. Reg. 1693 - 1-24-92

Department of Public Aid

48. Fiscal Year 1992 Emergency Budgetary Changes (89 Ill. Adm. Code 150) (Emergency)
-Notice Published: 16 Ill. Reg. 2258 - 2-7-92

VI. Agency Responses to Joint Committee Statements of Recommendation

Department of Children and Family Services

49. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406) (Emergency)
-First Published: 10-18-91
-Objection Date: 11-19-91
-Agency Response: Agreement

VII. Incorporation by Reference

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 12, 1992 through February 18, 1992, and have been scheduled for review by the Committee at its March 3, 1992 meeting. Other items not contained in this published list may also be considered by the Committee at its March meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/30/92	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)	12/20/91 15 Ill. Reg. 18022	3/3/92
4/2/92	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140.530 to 140.835)	11/8/91 15 Ill. Reg. 15933	3/3/92
4/2/92	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	11/8/91 15 Ill. Reg. 15940	3/3/92
4/2/92	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140.94 and 140.95)	11/8/91 15 Ill. Reg. 15933	3/3/92
4/2/92	Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)	11/8/91 15 Ill. Reg. 15928	3/3/92
4/2/92	Department of Public Aid, Illinois Competitive Access and Reimbursement Equity (ICARE) Program (89 Ill. Adm. Code 149)	11/8/91 15 Ill. Reg. 15931	3/3/92
4/2/92	Department of Public Aid, Developmental Disabilities Services (89 Ill. Adm. Code 144)	11/8/91 15 Ill. Reg. 15926	3/3/92
4/2/92	Department of Central Management Services, Day Care (89 Ill. Adm. Code 1300)	4/12/91 15 Ill. Reg. 5141	3/3/92

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PROCLAMATION

92-058

TRILOGY, INC. CONGRATULATED

Whereas, Trilogy, Inc. is a member of the Illinois Association of Community Mental Health Agencies; and
Whereas, community mental health services play an important role in the prevention, identification, and treatment of mental illness in Illinois; and
Whereas, supported employment programs help disabled adults achieve community employment so they may be participating, productive citizens; and
Whereas, Trilogy, Inc.'s Supported Employment Program has been selected as a finalist in the Dole and J.M. Foundations 1991 Search for Excellence Awards;
Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate TRILOGY, INC. on its award-winning Supported Employment Program and commend the agency on the assistance it provides to our citizens.

Issued by the Governor February 5, 1992.

Filed with the Secretary of State February 14, 1992.

92-059

IDA CROWN JEWISH ACADEMY DAY

Whereas, The Chicago Jewish Academy was founded in 1942 and was renamed the Ida Crown Jewish Academy in 1967 when the Crown family became involved and the school moved to its present location at 2828 W. Pratt Boulevard; and
Whereas, the academy is the only co-ed Jewish high school in our state. The small school has provided thousands of students with an education in both secular and Jewish studies; and
Whereas, the majority of Ida Crown Jewish Academy graduates pursue a college education. Many of the school's alumni now have careers in education, social services, media, and politics; and
Whereas, the Ida Crown Jewish Academy has demonstrated a heightened concern for mankind on the local, national, and international level. For example, the school has developed community volunteer programs and has accepted Soviet Jewish refugee students and helped them adapt to our society; and
Whereas, 1992 marks the 50th anniversary of the Ida Crown Jewish Academy. The school will honor this event by holding a Jubilee Celebration gala dinner February 22;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 22, 1992, as IDA CROWN JEWISH ACADEMY DAY in Illinois.

Issued by the Governor February 7, 1992.

Filed with the Secretary of State February 14, 1992.

92-060

DOCTOR'S DAY

Whereas, Doctor's Day will be observed Monday, March 30, to symbolize the doctor-patient relationship and the standards of care that develop when doctor and patient work together as a team; and

Whereas, Doctor's Day is a day of commitment to the health and welfare of Illinois citizens. It celebrates medical advances, treatments, and improved quality of life for all Illinois citizens; and

Whereas, Doctor's Day was first celebrated in the State of Georgia to commemorate the birthday of Crawford W. Long, M.D., the first physician to use ether anesthesia; and

Whereas, in 1958, the Doctor's Day observance was adopted by the U.S. Congress and is celebrated throughout our nation each year on March 30; and

Whereas, the 11,000 physician-members of the Chicago Medical Society will celebrate Doctor's Day by making their patients aware of the importance of good health, using the slogan "Patient Pleaser;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 30, 1992, as DOCTOR'S DAY in Illinois.

Issued by the Governor February 10, 1992.

Filed with the Secretary of State February 14, 1992.

92-061

LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to everyone; and

Whereas, the role of the licensed practical nurse in caring for people's health needs has advanced in responsibility and complexity; and

Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-7, 1992, as LICENSED PRACTICAL NURSE WEEK in Illinois in recognition of these dedicated men and women.

Issued by the Governor February 10, 1992.

Filed with the Secretary of State February 14, 1992.

92-062

STUDENT COUNCIL WEEK

Whereas, this year marks the 58th anniversary of the Illinois Association of Student Councils (IASC), a successful group of student representatives; and

Whereas, IASC serves the students of more than 300 high

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schools and is recognized nationwide; and
Whereas, each year, IASC sponsors an annual convention to give outstanding student leaders the opportunity to gather and exchange information, ideas, and inspiration; and
Whereas, this year's convention will be held May 7-9 at the Bismarck Hotel in Chicago, with the theme "The IASC--Where Leadership Still Counts";
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-9, 1992, as STUDENT COUNCIL WEEK in Illinois.
Issued by the Governor February 10, 1992.
Filed with the Secretary of State February 14, 1992.

92-063

ILLINOIS 2000 KICKOFF ANNOUNCED

Whereas, February 11, 1992, will mark the kickoff of Illinois 2000, an initiative that will aim to address the six national education goals set forth by President George Bush for America 2000; and

Whereas, under Illinois 2000, communities throughout our state will be encouraged to develop a plan of action to meet the national goals and thereby be designated as Illinois 2000 communities; and

Whereas, the six national goals address a number of educational issues, including the high school graduation rate, learning accountability, math and science achievement, adult literacy, and drug-free and violence-free learning environments; and

Whereas, Illinois 2000 is a community effort in which we all must participate--our children must be prepared to forge the direction of our state in the 21st Century;

Therefore, I, Jim Edgar, Governor of the State of Illinois, announce the kickoff of ILLINOIS 2000 and strongly urge support for this initiative. Let the Future Begin!

Issued by the Governor February 11, 1992.

Filed with the Secretary of State February 14, 1992.

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TYPE OF RULEMAKING		ACTION CODES	
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cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
re	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
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125.40	(P-2283)	n	520.1110	n	(P-89)
125.50	(P-2283)	n	520.1120	n	(P-89)
125.60	(P-2283)	n	520.1130	n	(P-89)
125.70	(P-2283)	n	520.1140	n	(P-89)
125.80	(P-2283)	n			
125.Ap. A	(P-2283)	n	TITLE 17		
350.110	(P-2106)	n	525.30	am	(P-15647/91; A-1826)
350.120	(P-2106)	n	590.10	am	(P-14157/91; A-570)
350.130	(P-2106)	n	590.20	am	(P-14157/91; A-570)
350.140	(P-2106)	n	590.60	am	(P-14157/91; A-570)
350.150	(P-2106)	n	710.10	am	(P-14833/91; A-1843)
350.160	(P-2106)	n	710.20	am	(P-14833/91; A-1843)
350.170	(P-2106)	n	710.21	am	(P-14833/91; A-1843)
350.180	(P-2106)	n	710.30	am	(P-14833/91; A-1843)
450.10	(P-2292)	n	710.50	am	(P-14833/91; A-1843)
450.20	(P-2292)	n	880.10	n	(P-13603/91; A-109)
450.30	(P-2292)	n	880.20	n	(P-13603/91; A-109)
450.40	(P-2292)	n	880.30	n	(P-13603/91; A-109)
450.50	(P-2292)	n	880.40	n	(P-13603/91; A-109)
450.60	(P-2292)	n	880.50	n	(P-13603/91; A-109)
450.70	(P-2292)	n	880.50	n	(P-13603/91; A-109)
500.1	(P-2721)	n	970.10	r	(P-2727)
500.2	(P-2721)	n	970.20	r	(P-2727)
500.3	(P-2721)	n	970.30	r	(P-2727)
500.4	(P-2721)	n	970.40	r	(P-2727)
500.5	(P-2721)	n	970.50	r	(P-2727)
500.6	(P-2721)	n	970.60	r	(P-2727)
500.7	(P-2721)	n	1010.30	am	(P-13594/91; A-103)
TITLE 8			1530.30	am	(P-2972)
125.10	(P-1921)	am	1530.50	am	(P-2972)
125.190	(P-1921)	am	1530.60	am	(P-2972)
125.260	(PP-1899)	am	1530.Ex. A	n	(P-2972)
125.270	(P-1921)	am	1530.Ex. B	n	(P-2972)
125.290	(P-1921)	am	1535.1	n	(P-2979)
125.295	(P-1921)	n	1535.5	am	(P-2979)
125.295	(P-1921)	n	1535.50	am	(P-2979)
125.380	(PP-1899)	am	1538.5	am	(P-775)
125.390	(P-1921)	am	1538.10	n	(P-775)
235.10	(P-2969)	n			

[illegible]

TITLE 17 (CONT'D)

1538.20	n	(P-775)	1580.40	n	(P-1948)
1538.30	n	(P-775)	1580.50	n	(P-1948)
1538.40	n	(P-775)	1720.35	n	(E-727)
1538.50	n	(P-775)	1800.10	n	(P-10)
1538.60	n	(P-775)	1800.20	n	(P-10)
1538.70	n	(P-775)	1800.30	n	(P-10)
1538.80	n	(P-775)	1800.40	n	(P-10)
1538.80	n	(P-775)	1810.100	n	(P-469) (E-732)
2030.15	am	(P-2302)	1810.110	n	(P-469) (E-732)
2030.20	am	(P-2302)	1810.200	n	(P-469) (E-732)
2030.30	am	(P-2310)	1810.210	n	(P-469) (E-732)
2300.10	n	(P-2310)	1810.220	n	(P-469) (E-732)
2300.50	n	(P-2310)	1810.230	n	(P-469) (E-732)
2300.70	n	(P-2310)	1810.240	n	(P-469) (E-732)
2520.50	am	(P-2297)	1810.250	n	(P-469) (E-732)
3010.40	am	(P-14794/91; A-1806)	1810.300	n	(P-469) (E-732)
3010.50	am	(P-14794/91; A-1806)	1810.400	n	(P-469) (E-732)
3010.70	am	(P-14794/91; A-1806)	1810.410	n	(P-469) (E-732)
3010.80	am	(P-14794/91; A-1806)	1810.420	n	(P-469) (E-732)
3020.20	am	(P-14820/91; A-1833)	1810.430	n	(P-469) (E-732)
3020.40	am	(P-14820/91; A-1833)	1810.440	n	(P-469) (E-732)
3020.50	am	(P-14820/91; A-1833)	1810.500	n	(P-469) (E-732)
3020.70	am	(P-14820/91; A-1833)	1810.510	n	(P-469) (E-732)
3020.80	am	(P-14820/91; A-1833)	1810.520	n	(P-469) (E-732)
3030.30	am	(P-14807/91; A-1816)	1810.530	n	(P-469) (E-732)
3030.50	am	(P-14807/91; A-1816)	1810.540	n	(P-469) (E-732)
3030.60	am	(P-14807/91; A-1816)	1810.550	n	(P-469) (E-732)
3035.40	am	(P-14783/91; A-1797)	1810.600	n	(P-469) (E-732)
3035.70	am	(P-14783/91; A-1797)	1810.610	n	(P-469) (E-732)
3035.80	am	(P-14783/91; A-1797)	1810.620	n	(P-469) (E-732)
			1810.700	n	(P-469) (E-732)
			1810.710	n	(P-469) (E-732)
			1810.720	n	(P-469) (E-732)
			1810.730	n	(P-469) (E-732)
			1810.800	n	(P-469) (E-732)
			1810.900	n	(P-469) (E-732)
			1810.910	n	(P-469) (E-732)
			1810.1000	n	(P-469) (E-732)
			1810.1010	n	(P-469) (E-732)
			1810.1020	n	(P-469) (E-732)
			1810.1100	n	(P-469) (E-732)
			1810.1110	n	(P-469) (E-732)

TITLE 20

435.10	am	(P-1941)	120.10	am	(P-1452)
435.12	n	(P-1941)	120.30	am	(P-1452)
435.15	am	(P-1941)	120.40	am	(P-1452)
435.20	am	(P-1941)	120.50	am	(P-1452)
435.30	am	(P-1941)	120.60	am	(P-1452)
435.40	am	(P-1941)	120.90	am	(P-1452)
435.50	am	(P-1941)	120.90	am	(P-1452)
435.60	am	(P-1941)	130.10	am	(P-1439)
435.60	am	(P-1941)	130.20	am	(P-1439)
435.70	am	(P-1941)	130.30	am	(P-1439)
1235.10	n	(E-17785/91; O-1746)	130.40	am	(P-1439)
1235.20	n	(E-17785/91; O-1746)	130.45	n	(P-1439)
1235.30	n	(E-17785/91; O-1746)	130.50	am	(P-1439)
1235.40	n	(E-17785/91; O-1746)	235.10	n	(P-439)
1235.50	n	(E-17785/91; O-1746)	235.20	n	(P-439)
1235.60	n	(E-17785/91; O-1746)	235.30	n	(P-439)
1235.70	n	(E-17785/91; O-1746)	235.40	n	(P-439)
1235.80	n	(E-17785/91; O-1746)	235.45	n	(P-439)
1235.90	n	(E-17785/91; O-1746)	235.50	n	(P-439)
1235.100	n	(E-17785/91; O-1746)	235.60	n	(P-439)
1235.110	n	(E-17785/91; O-1746)			
1235.120	n	(E-17785/91; O-1746)			
1235.130	n	(E-17785/91; O-1746)			
1235.140	n	(E-17785/91; O-1746)			
1570.10	n	(P-2732)			
1570.20	n	(P-2732)			
1570.30	n	(P-2732)			
1570.40	n	(P-2732)			
1570.50	n	(P-2732)			
1570.60	n	(P-2732)			
1580.10	n	(P-1948)			
1580.20	n	(P-1948)			
1580.30	n	(P-1948)			

TABLE 35 (CONT'D)		
615.425	n	
615.441	n	
615.442	n	
615.443	n	
615.444	n	
615.445	n	
615.446	n	
615.447	n	
615.461	n	
615.462	n	
615.463	n	
615.464	n	
615.501	n	
615.502	n	
615.601	n	
615.602	n	
615.603	n	
615.604	n	
615.621	n	
615.622	n	
615.623	n	
615.624	n	
615.701	n	
615.702	n	
615.703	n	
615.704	n	
615.705	n	
615.721	n	
615.722	n	
615.723	n	
615.724	n	

[illegible]

TITLE 35 (CONT'D)		617.102		n		P-9882/91; O-17794/91; R-1734; A-1639)	
616.444	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.150	am	(P-9882/91; O-17794/91; R-1734; A-1639)		
616.445	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.155	am	(P-1058)		
616.446	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.157	am	(P-1058)		
616.447	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.208	n	(P-1058)		
616.461	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.211	am	(P-1058)		
616.462	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.280	am	(P-1058)		
616.463	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.464	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.501	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.502	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.601	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.602	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.603	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.604	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.605	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.621	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.622	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.623	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.624	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.625	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.701	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.702	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.703	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.704	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.705	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.721	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.722	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.723	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.724	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
616.725	n	(P-9836/91; O-17793/91; R-1723; A-1592)	703.283	am	(P-1058)		
617.101	n	(P-9882/91; O-17794/91; R-1734; A-1639)	703.283	am	(P-1058)		

TITLE 35 (CONT'D.)

726.Ap. F	n	(P-1148)	731.193	r	(P-2330)
726.Ap. G	n	(P-1148)	731.194	r	(P-2330)
726.Ap. H	n	(P-1148)	731.195	r	(P-2330)
726.Ap. I	n	(P-1148)	731.196	r	(P-2330)
726.Ap. J	n	(P-1148)	731.197	r	(P-2330)
726.Ap. K	n	(P-1148)	731.198	r	(P-2330)
726.Ap. L	n	(P-1148)	731.199	r	(P-2330)
726.Tb. A	n	(P-1148)	731.200	r	(P-2330)
728.107	am	(P-916)	731.202	r	(P-2330)
728.109	am	(P-916)	731.203	r	(P-2330)
728.110	n	(P-916)	731.204	r	(P-2330)
728.111	n	(P-916)	731.205	r	(P-2330)
728.112	n	(P-916)	731.206	r	(P-2330)
728.113	n	(P-916)	731.207	r	(P-2330)
728.113	n	(P-916)	731.208	r	(P-2330)
728.133	am	(P-916)	731.209	r	(P-2330)
728.135	am	(P-916)	731.210	r	(P-2330)
728.140	am	(P-916)	731.211	r	(P-2330)
728.142	am	(P-916)	731.Ap. A	am	(P-2330)
728.144	am	(P-916)	731.Ap. C	am	(P-2330)
728.Ap. D	am	(P-916)	809.901	r	(P-13017/91; A-130)
728.Ap. E	am	(P-916)	809.902	r	(P-13017/91; A-130)
728.Ap. G	am	(P-916)	809.903	r	(P-13017/91; A-130)
728.Ap. H	am	(P-916)	809.904	r	(P-13017/91; A-130)
728.Ap. I	n	(P-916)	809.905	r	(P-13017/91; A-130)
728.Tb. A	am	(P-916)	809.906	r	(P-13017/91; A-130)
728.Tb. B	am	(P-916)	848.101	am	(P-13004/91; A-3114)
728.Tb. C	am	(P-916)	848.202	am	(P-13004/91; A-3114)
728.Tb. D	am	(P-916)	848.203	am	(P-13004/91; A-3114)
728.Tb. E	am	(P-916)	848.206	am	(P-13004/91; A-3114)
731.110	am	(P-2330)	848.207	n	(P-13004/91; A-3114)
731.111	r	(P-2330)	848.208	n	(P-13004/91; A-3114)
731.112	am	(P-2330)	849.101	n	(P-13265/91; A-2880)
731.113	am	(P-2330)	849.102	r	(P-13265/91; A-2880)
731.114	r	(P-2330)	849.103	r	(P-13265/91; A-2880)
731.120	r	(P-2330)	849.104	r	(P-13265/91; A-2880)
731.121	r	(P-2330)	849.105	r	(P-13265/91; A-2880)
731.122	am	(P-2330)	849.106	r	(P-13265/91; A-2880)
731.130	r	(P-2330)	1420.101	n	(P-17016/91; A-2594)
731.131	r	(P-2330)	1420.102	n	(P-17016/91; A-2594)
731.132	r	(P-2330)			
731.133	r	(P-2330)			
731.134	r	(P-2330)			
731.140	r	(P-2330)			
731.141	r	(P-2330)			
731.142	r	(P-2330)			
731.143	r	(P-2330)			
731.144	r	(P-2330)			
731.145	r	(P-2330)			
731.150	r	(P-2330)			
731.151	r	(P-2330)			
731.152	r	(P-2330)			
731.153	r	(P-2330)			
731.161	am	(P-2330)			
731.162	am	(P-2330)			
731.170	r	(P-2330)			
731.171	r	(P-2330)			
731.172	r	(P-2330)			
731.173	r	(P-2330)			
731.174	r	(P-2330)			
731.190	r	(P-2330)			
731.191	r	(P-2330)			
731.192	r	(P-2330)			

SAL-6

TITLE 47 (CONT'D.)

120.115	am	(P-13993/91; A-3078)	2008.50	am	(P-14859/91; PF-1743; W-2956; A-2766)
140.10	r	(P-13241/91; A-2120)	2008.60	am	(P-14859/91; PF-1743; W-2956; A-2766)
140.20	r	(P-13241/91; A-2120)	2008.61	r	(P-14859/91; PF-1743; W-2956; A-2766)
140.30	r	(P-13241/91; A-2120)	2008.70	am	(P-14859/91; PF-1743; W-2956; A-2766)
140.40	r	(P-13241/91; A-2120)	2008.71	#	(P-14859/91; PF-1743; W-2956; A-2766)
140.50	r	(P-13241/91; A-2120)	2008.71	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.101	am	(P-1961)	2008.71	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.102	am	(P-1961)	2008.72	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.103	am	(P-1961)	2008.73	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.106	am	(P-1961)	2008.74	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.107	am	(P-1961)	2008.75	#	(P-14859/91; PF-1743; W-2956; A-2766)
310.109	am	(P-1961)	2008.75	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.110	am	(P-1961)	2008.80	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.111	am	(P-1961)	2008.81	r	(P-14859/91; PF-1743; W-2956; A-2766)
310.113	am	(P-1961)	2008.81	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.114	am	(P-1961)	2008.82	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.201	am	(P-1961)	2008.90	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.202	am	(P-1961)	2008.100	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.203	am	(P-1961)	2008.101	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.204	am	(P-1961)	2008.102	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.205	am	(P-1961)	2008.103	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.206	am	(P-1961)	2008.104	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.301	am	(P-1961)	2008.110	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.302	am	(P-1961)	2008.Ap. A	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.303	am	(P-1961)	2008.Ap. B	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.304	am	(P-1961)	2008.Ap. C	#	(P-14859/91; PF-1743; W-2956; A-2766)
310.305	am	(P-1961)	2008.Ap. C	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.306	am	(P-1961)	2008.Ap. D	r	(P-14859/91; PF-1743; W-2956; A-2766)
310.307	am	(P-1961)	2008.Ap. D	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.308	am	(P-1961)	2008.Ap. E	#	(P-14859/91; PF-1743; W-2956; A-2766)
310.309	am	(P-1961)	2008.Ap. E	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.401	am	(P-1961)	2008.30	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.402	am	(P-1961)	2008.40	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.403	am	(P-1961)			
310.404	am	(P-1961)			
310.405	am	(P-1961)			
310.602	am	(P-1961)			
310.603	am	(P-1961)			
310.604	am	(P-1961)			
310.701	am	(P-1961)			
310.702	am	(P-1961)			
310.703	am	(P-1961)			
310.801	am	(P-1961)			
310.802	am	(P-1961)			
310.803	am	(P-1961)			
310.804	am	(P-1961)			
310.805	am	(P-1961)			
310.806	am	(P-1961)			
310.901	am	(P-1961)			
310.902	am	(P-1961)			
310.913	am	(P-1961)			

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2008.10	am	(P-14859/91; PF-1743; W-2956; A-2766)
2008.20	am	(P-14859/91; PF-1743; W-2956; A-2766)
2008.30	am	(P-14859/91; PF-1743; W-2956; A-2766)
2008.40	am	(P-14859/91; PF-1743; W-2956; A-2766)

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TITLE 95 (CONT'D)

121.230	n	(P-561)
122.10	n	(P-2113)
122.20	n	(P-2113)
122.30	n	(P-2113)
122.40	n	(P-2113)
122.50	n	(P-2113)
122.60	n	(P-2113)
122.70	n	(P-2113)

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